

COUNCIL CHAMBER

Regular Meeting

September 13, 2011

The seventy-eighth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media September 9, 2011 and appeared in The Post and Courier September 11, 2011 and is made available on the City's website.

PRESENT (12)

The Honorable Joseph P. Riley, Jr., Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Hallman	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Alexander	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Gallant	District 5	<i>Councilmember Mallard -absent</i>	District 11
Councilmember Gregorie-excused at 8:18 p.m.	District 6	Councilmember Wilson	District 12

Mayor Riley called the meeting to order at 5:11p.m.

The Clerk called the roll.

Mayor Riley said, "Councilmember Mallard called and said there's a family emergency that may cause him to be delayed and may prevent his attendance tonight. He called about an hour and a half ago. I will now call on Councilmember Kathleen Wilson to open our meeting with an invocation and lead us in the Pledge of Allegiance to the flag."

The meeting was opened with the invocation by Councilmember Wilson.

Councilmember Wilson led City Council in the Pledge of Allegiance.

Mayor Riley said, "It's a pleasure to have you all with us tonight. Welcome to this regular meeting of City Council in this beautiful Council Chamber. We have some very important presentations and recognitions, and I would like to please begin first with the Trident Literacy Month and would like to ask Eileen Chepenik, the Executive Director of the Trident Literacy Association to join me at the platform. Eileen, how are you?

I would like to present this proclamation and then call on Ms. Chepenik, with whom I've had the pleasure of doing this and working with her and the community for literacy and other challenges and opportunities for our community for many, many years.

PROCLAMATION

- WHEREAS,** the need for a highly literate citizenry increases as our community moves toward an increasingly technological future; and
- WHEREAS,** more than 7,000 adults in the city of Charleston do not have a high school credential, and more than 2,000 have less than a ninth grade education, negatively affecting their ability to become employed and to participate fully as citizens; and
- WHEREAS,** the economic impact of illiteracy affects us all because of higher costs for welfare, health care and prisons which are directly linked to high rates of illiteracy; and
- WHEREAS,** Trident Literacy Association provides self-paced, individualized instruction in basic literacy, GED preparation, English as a Second Language, WorkKeys Career Readiness and basic computer skills to approximately 600 adults in the city of Charleston annually; and
- WHEREAS,** the United States Congress has declared *National Adult Education and Family Literacy Week*, September 12-16; and
- WHEREAS,** Charleston City Council deems it important to recognize and highlight the economic and societal importance of literacy;
- NOW, THEREFORE, I,** Joseph P. Riley, Jr., Mayor of the city of Charleston, do hereby proclaim the month of September 2011 as:

LITERACY MONTH

in the City of Charleston, and urge our citizens to learn more about the importance of literacy and to become involved with literacy in our community.

Joseph P. Riley, Jr., Mayor

I'm very pleased, Eileen, to present this proclamation to you and I do it with gratitude for you and your association's wonderful service to our community. Let's hear it for Ms. Chepenik."

Eileen Chepenik said, "Mayor Riley, thank you and all the members of City Council. We are so grateful for your support. As you know, we have two locations in the City: one on Meeting Street and one on the west side in the Kiawah Homes neighborhood. I've brought some newspapers. In the past three weeks, Trident Literacy has been on the front page of the newspaper twice and on the front page of the B section just this morning. I'm highlighting, in particular, our new program called Mother-to-Mother and I brought with me Felicia Holland and Veronica Muhammad. They're running this program for 25 mothers, and it's a very intensive program. I want you to know we're spending your money very wisely and we're working to improve the lives of everyone in our city. "

A round of applause followed.

Mayor Riley said, "I'd like to invite Michelle Mapp, Executive Director of Lowcountry Housing Trust to the platform."

Michelle Mapp said, "Good evening and thank you for this opportunity to present our annual report to the City of Charleston Council. We just have a few slides here. We'd like to take this opportunity to thank you for your continued support of our organization. The Lowcountry Housing Trust is a 501(c) (3) nonprofit community loan fund that was founded by the City of Charleston in 2004. In 2007, we were certified by the U.S. Treasury as a community development financial institution. Our mission is to be an advocate and a lender for affordable housing. What we do, is we take local government dollars and we leverage those dollars with federal, state and private market capital.

Since our inception, we've received about \$889,000 from the City of Charleston, which we've leveraged to bring about \$8.4 million locally from the state, a little over \$3 million from the federal government, and just under \$1 million from private financial institutions and foundations. What we've been able to do with that funding, is make about 94 loans to developers and 100 loans to homebuyers, financing about \$13.2 million in developments representing about \$100 million in developments throughout the tri-county. We've financed 750 affordable housing units and created over 2,000 jobs. Our impact in the City of Charleston, we've taken your \$889,000 and we've done \$4.1 million in financing within the City of Charleston representing a \$4.61 (per dollar) return on your investment. Finally, we have two major grant awards that are pending at this time. One is a \$3.5 million award to the Treasury in hopes to help to finance grocery stores in low- to moderate-income neighborhoods. We've partnered with the Lowcountry Food Bank, Lowcountry Local First and Metanoia to go after that funding, as well as the CDFI bond guarantee program. This is a \$3 billion program. Funds have been allocated only for CDFIs and this funding will allow us to make larger loans, make longer term loans and we can coordinate our housing efforts.

We use the funding that you provide to us to make acquisition and infrastructure loans to organizations like Crisis Ministries, Charleston Habitat for Humanity, Humanities Foundations, P.A.S.T.O.R.S. Inc., as well as for-profit developers who are building affordable housing in the City of Charleston. As I've said, we appreciate your support. We ask for your continued support of our organization and we thank you for your time."

A round of applause followed.

Mayor Riley said, "Thank you very much Michelle."

Mayor Riley said, "Next, I have the honor of asking City Council to rename 50 Broad Street in honor of our Corporation Counsel Bill William Bennett Regan. Just a few minutes ago, talking about the acquisition of the land around the Angel Oak, I naturally thought of Bill because Bill worked with us when we first tried to acquire it. First, by eminent domain from the owner St. Elmo Felkel, and then after that, when that didn't seem to be going exactly right, we acquired it from the IRS, who had acquired it as a result of a tax lien. Bill was creative and energetic and helpful. He knew that that was so important to the City. For 27 years, that's what Bill Regan did. He advised members of City Council that we had to shape our government to fit 'Home Rule'. He represented us before courts of law, the South Carolina Supreme Court, many, many times. In fact,

Chief Justice Toal, speaking at his funeral, brought a stack of papers that thick that represented the court reports, the opinions of all the cases that Bill had tried before the Court, groundbreaking cases. The first tax increment financing district in South Carolina was created in Charleston. It required a test case in the South Carolina Supreme Court, that made the Waterfront Park possible and every tax increment district possible later formed in South Carolina. He went to the Supreme Court and argued we had passed an ordinance that is the basis of our hospitality fee, which now has produced tens of millions of dollars to the benefit of the citizens of Charleston to help restore this building, the Dock Street Theatre and lots of other buildings. He was key in the Waterfront Park land acquisition that was inordinately complicated. It was scheduled to be a high rise development; he worked to acquire it in a very complicated land transaction. There were several lawsuits. You think the cruise ship controversy is reasonably hot? Charleston Place made that pale in comparison. Many lawsuits, Supreme Court twice, Federal Court lawsuits, complicated negotiations with the first development, subsequent developers, UDAG applications, UDAG Grants and financial arrangements and the Francis Marion Hotel, working with that developer. Also, the Visitor Reception and Transportation Center, the deal for the Aquarium, Superfund, very complicated potential lawsuits, contractors, South Carolina Electric and Gas Company, we needed to work with them to take care of the contaminated soil and eventually allow the creation of the garage. Then, there was the agreement to assume the obligation of the bus system; that is how CARTA was created. The City, when he became Corporation Counsel had 57,000 people in it. Now, it has 120,000 plus. The growth of the City by annexation was important. The city of 57,000 people could not support this beautiful, historic city, could not allow it to have the fiscal capacity to be what it now is, to provide for its citizens, to create affordable housing, to rebuild City Hall and to create a restored main street and all of that. Bill was involved in every single annexation. He never lost one, not a one. The Citadel Mall was never going to be in the City of Charleston. It was being built in the St. Andrews Public Service District. It was under construction and they were not going to come into the City of Charleston because then, our tax rate was higher. So, we had to get them in and that was critically important in the City's history. We did it by working with the developer. They needed a permit from the Corps of Engineers to basically put in a pipe over a little ditch you hardly see now, at the Citadel Mall, but they needed, back then, it was something called urban conservation guidance. If you were doing something that might negatively impact a city, you could put a halt on that. So, I called the White House, Jimmy Carter days. Jack Watson called the Corps of Engineers and put a halt on it, and then we got the attention of the Citadel Mall developers, but they didn't want to annex into the City. Bill got on a plane; he flew to Cleveland. Dick Jacobs, for those who know baseball, Jacobs Field in Cleveland, is named after Dick Jacobs. He's a great guy. Bill Regan had a petition for the Citadel Mall to be annexed into the City of Charleston. He was not going to leave Cleveland, Ohio until Dick Jacobs signed that petition. He came back with a signed petition, the Citadel Mall. Then, that opened the door for the opportunity where Councilmember Riegel lives, where Councilmember Hallman lives, where Councilmember Waring lives and others that are now part of our City. The James Island annexations and then Daniel Island, which we knew the growth in the City was so important. We had a AAA credit rating, the first city in South Carolina to ever have a AAA credit, first city in South Carolina to ever have a AA-1 for Moodys. We do that because our Council and our financial staff manages the City's finances well. Because we're fiscally strong, we have a tax base and the strength to support the City. So, Bill put together the Daniel Island annexation, which was extremely complicated and so much more. He served our Council longer than any Corporation Counsel in our City history. It is unlikely that his 27 years will be equaled. It's unlikely that one person will

have that opportunity. His tenure, his length of tenure is, alone, a reason to honor him in a significant way. As we know with Mr. deSaussure, you don't do anything complicated, you can't do anything complicated without a wise, smart, dedicated, caring Corporation Counsel. We have that with Charlton. The City had that with Morris Rosen and Judge Waites Waring, who is in the room over there; they got the Walk to White Award from the NAACP. Judge Waring was once Corporation Counsel in the City of Charleston. He served longer than all, with a variety of complex issues of which a tiny percentage, I briefly mentioned this evening.

The broad array of complex important issues he (Bill) handled that shaped this City and will forever; the parks and then the growth, it will always benefit the citizens of Charleston. That, even more so, is important that we recognize this very special man in an important, public way, and in a way that inspires and teaches. You name a building after someone and then that raises the question, why, who. The answer to that question now and years to come, the why and the who, is a wonderful story of a self-made man who was brilliant, who had a heart of gold and who was witty and engaging and became, in his time, one of the preeminent lawyers in our state. It's an appropriate location, physically, for this reason. Bill got out of law school and worked for Harry Lightsey, who later became President of the College of Charleston and Dean of the Law School in Columbia, South Carolina, the University of South Carolina Law School. He worked with Harry, but he had the pull of many of us born in Charleston, the appeal to come home. So, he came home and he worked with Mr. Henry Buist, Henry Smythe and Austin Smythe at Buist and Smythe right down the street, on Broad Street, on this side of the street. Then, he worked, essentially, next door with Young, Clement, Rivers & Tisdale. Then, he worked across the street, right over there at 57 Broad with Gedney Howe, and then he worked with his good friend Donald Williams at 41 Broad; all of which are nearby. Then, if you stand in front of 50 Broad Street on the wonderful landing, which is where our Legal Department's offices are now, and you look south, you look down Church Street, you will see the building where he and Frances practiced for many years. He is physically connected with the space and spiritually connected and emotionally connected and historically connected.

So, I believe that there is no more fitting way to recognize this special man's service to his City, the City of his grandfather, who was a City jailer. The City where he grew up and went to school and the City where he came back with his intellect and his energy and his spirit and his humor and wisdom and friendship that shaped his City and made enormous contributions to it. Therefore, it is with an indescribable amount of pleasure and a great honor for me to move that the City's Legal Department building, which houses other offices at 50 Broad Street, be named the William Bennett Regan Legal Center, and I may say, or if the committee that is formed, works on it and wants to make it William B. Regan or however it's done. So, I'm very pleased to make that motion."

The motion was seconded by Councilmember Mitchell

The Mayor recognized Councilmember Riegel.

Councilmember Riegel said, "Mr. Mayor, thank you. Representing District 10 and west of the great Ashley River, largely we owe our existence to the efforts of Bill Regan. I would consider it an honor and a privilege to second that motion, Mr. Mayor and also

acknowledge Mr. Regan as a great American, a great South Carolinian, and a great Charlestonian, and therefore second that motion sir.”

Mayor Riley said, “I’d like to recognize Bill’s family who are here: his widow, Frances Cantwell. Frances, come on up. Frances, as all of you know. Come on up here, as a matter of fact.”

Applause filled the Chamber.

Mayor Riley said, “Only a very few of you do not know that Frances Cantwell also has worked with us in our Legal Department and represents the City, most recently, successfully before the South Carolina Supreme Court in the James Island annexation case. Also, Bill’s sister Betty White and his brother-in-law Francis White. Francis, would you all like to come up? Come on up, Betty and Francis. Their son Gary and Holly White, come on up, their son, Councilmember Gary White, and Gary, are any of your family members here?”

Councilmember White said, “These are all my family members. Unless they’ve disowned me, I believe we’re all related.”

Mayor Riley said, “Then Barbara and Charlie here. So, with Bill’s family with me up on the platform where he stood many times and in a room where for 27 years, nothing important happened without his presence. The motion has been made and seconded. Is there any further discussion?”

On motion of Mayor Riley, seconded by Councilmembers Mitchell and Riegel, City Council voted unanimously to rename 50 Broad Street to the ‘William B. Regan Legal Center’.

Mayor Riley said, “Thank you very much.”

Another round of applause followed.

Mayor Riley said, “I would like to ask City Council’s approval to allow, I spoke at Bill’s funeral and it’s been transcribed. I need to do a tiny bit of editing, but if that could be added to the minutes.”

-INSERT TRANSCRIPTION OF WILLIAM REGAN’S MEMORIAL SERVICE-

Councilmember White was excused from the Chamber at 5:39 p.m.

Mayor Riley said, “Next, I would like to ask Chief Greg Mullen and members of the Charleston Police Department Accreditation Team to join me: Captain Gregory, MPO James Cockrill, Police Officer Kate Lenihan and Police Officer Doug Galluccio.

If you begin with the term accreditation, it sounds modest and we normally think that is kind of a basic level, and in Public Safety, in Police and Fire in America, accreditation is just the opposite. It’s a recognition of achievement at a very high level that only a very few Public Safety Departments in the country achieve. The Charleston Police Department was recently reaccredited by the Commission on Accreditation and Law Enforcement Agencies at the Commissioner’s annual meeting in Cincinnati, Ohio.

The Charleston Police Department was initially accredited in 1991. Since then, the Department has maintained compliance with 464 national standards to law enforcement agencies to ensure their re-accreditation, which is a three year process, voluntarily undertaken by the Law Enforcement Agencies. During a four day period in April, a team of assessors reviewed the Police Department's policies, procedures, equipment and facilities, and was it 1700 files or some huge number of files. I met with them. These were very nice, but hardcore professionals that look at everything that the Police Department did or had done in the past several years. The assessors also had a public information session to hear from interested citizens, to attempt to verify the compliance with the standards.

Also, at the annual meeting in Cincinnati, the Department was presented with the Accreditation with Excellence Award, which was created as a symbolic incentive for agencies to employ the Commission on Accreditation for Law Enforcement Agencies Accreditation, CALEA is the acronym, in a manner that sets the benchmark for public safety professionalism. The award has been structured for the recognition of agencies that have met the following criteria: Excellence in the development and implementation of contemporary policies and procedures; Excellence in the ability to use the CALEA accreditation process as a tool for continuous organizational improvement; Excellence in the collection, review, and analysis of organizational data for the purpose of public safety service improvement. Advocacy for CALEA accreditation is a strategy for enhancing the professional standing of public safety; Excellence in addressing the intent of CALEA standards beyond compliance; Organizational culture supportive of CALEA accreditation and standard compliance and accreditation process success.

This is a huge achievement and the result of a tremendous amount of work in the accreditation process and the result of work 365 days of the year. In what I read to, the word 'excellence' is used many times and that is what this is all about. The excellence in law enforcement is measured in many ways. It's measured by the way citizens feel in this City, it's measured by the level of respect that citizens have for the police officers. In Charleston, it's measured by the way children on the east side that go to Camp Hope or Camp Pride or the children West Ashley and Johns Island go to our camps and summer camps, feel about the Police Department. It's also measured by the level of or lack of level of criminal activity. In the last three years, Charleston's violent crime went down over 50%. This year, violent crime is down substantially over last year, even when going against the already 53% lower level in the previous three years. I spoke at the Charlestowne Neighborhood Association meeting last night and asked Chief Mullen to give me the criminal activity of the last two weeks there, and in that neighborhood there were three events in the last two weeks. One was a vehicle accident at Broad and Meeting. The other was a speeding ticket at Lenwood and South Battery, and the third was someone, who had called for some information. We obviously always will be dealing with the fact that there are some people that don't want to obey the laws and criminal activity, but this remarkable Chief and the amazing 412 officers that he leads and works with, have produced not only an extraordinarily safe City, but proudly have received this certificate of excellence.

So, I would like to present this to Chief Mullen and to his team from the Commission of Accreditation Law Enforcement Agencies to the Charleston Police Department, Certificate of Advanced Meritorious Accreditation given on the 27th day of July, 2011. It's recognized accredited law enforcement agency for the period of three (3)

years. Their seventh award, with the words excellence and meritorious written on the ribbons. Chief Mullen and members of the team, congratulations.”

Applause filled the Chamber.

Chief Mullen said, “Thank you Mayor and thank you Council for your support as well, because, obviously, we couldn’t do it without the support of the Councilmembers and the Mayor giving us the support and resources that we need. My true reason that I want to speak for just a very short time is to let you know that this is all about the Police Officers that are on the street everyday, working for everybody in this room. If it was not for the Police Officers and the hard work that they do every day, in every community in the City, on every street, we would not be able to achieve this type of recognition. Just to give you a tidbit, that while the 412 officers that we have worked very hard over a three year period to make sure that we remain accredited and were able to get this award, I have to give credit above that to Captain Greg Whitaker and his staff: Kate Lenihan, Detective Doug Galluccio and James Cockrill, who is not here tonight. When this comes around every three years, you have to collect all the data. That is not just something to say, that we’re doing it. You actually have to prove that you’re doing it through written documentation, policies and procedures. They actually go out and talk with the officers. So, this four person team was the reason that we have the excellence stripe on the award. So, I thank you all very much for your efforts and thank all of you, as well as the community for your support everyday. Thank you.”

Another round of applause followed.

Mayor Riley said, “Congratulations”.

Councilmember White returned to the Chamber at 5:44 p.m.

Mayor Riley said, “We now have approval of the City Council minutes for August 16 and the two special meetings, August 23rd and August 30th.”

On motion of Councilmember Mitchell, seconded by Councilmember Seekings, the Council approved the Council meeting minutes of August 16, 23, and 30, 2011, as submitted.

Mayor Riley said, “Next, is our Citizen Participation period. There is no other Public Hearing tonight, so if anyone would like to be heard, this is the time to do it. It’s a 30-minute period, so it’ll help me, with a show of hands, to know how much time to allot. So I’ll start, let’s see, does anybody up there want to speak?”

Continuing he said, “So, we’ve got 21 in 30 minutes, so that’s about a minute and 15 seconds. Our Clerk has a very excellent stopwatch there, and it’s digital. So, what will help, maybe if you start assembling near the mics, just because it helps with the flow. If you could please introduce yourselves, with your name and address, even if many of us know each other well, and it seems kind of odd, but that helps our wonderful Clerk’s staff when they are transcribing the minutes of the meeting later on this week. Why don’t we start on this side, if it’s okay, and then we’ll come over to this side. Who would like to be the initial speaker during Citizen Participation? Anyone on this side? Yes sir.”

Councilmember Gregorie was excused at 5:48 p.m.

1. Harold Pratt-Thomas said, "I am Harold Pratt-Thomas. I'm a Board member of Charleston Communities for Cruise Control. We would like to thank Mayor Riley for tackling the problem of cruise ship tourism and an ordinance that acknowledges the State Ports Authority's voluntary limits on the size and number of visits of cruise ships in Charleston and attempts to put a plan in place to notify the public of any changes in these limits, but this ordinance has no teeth and does not limit cruise ship tourism in any way. Thus, we must agree with the Post and Courier, Historic Charleston Foundation, the Preservation Society, the Charleston Mercury, and others, that this ordinance is both ineffective and inadequate. It isn't what Mayor Riley, City Council, constituents, business and residents of Charleston need. All of us are impacted by the disgorging of cruise ship tourists so close to downtown and the historic district. Most importantly, giving the increase in size of cruise ships envisioned by the widening of the Panama Canal, the issue of protecting Charleston's historic fabric and ambiance, our golden goose and the biggest draw for tourism and tourism dollars is threatened. The National Trust for Historic Preservation, sensing these same critical issues and projecting this reality into the future has placed Charleston on a 'watch list', a new, unfortunate designation, which must be remedied. We need four things: City Council should table this ineffective ordinance tonight. In its place we must put legally-binding limits on cruise ship tourism in line with those proposed by the Historic Charleston Foundation. Two more. Mandate shoreside plug-in power at the terminal. It is already used by the US Navy and by Carnival ships in other ports to protect us against dangerous ship diesel emissions and soot. Fourth, the City should ask the Legislature to conduct the required study of other locations for cruise ship terminals, especially Columbus Street terminal. A cruise terminal does not have to be, nor should it be, in the historic downtown area, constricted geographically, already congested and with limited resources for tourism. We ask that this be adopted tonight. Thank you."

Councilmember Gregorie returned to the Chamber at 5:50 p.m.

Councilmember Riegel was excused from the Chamber at 5:50 p.m.

Mayor Riley said, "Thank you very much. Thank you Mr. Thomas. Yes sir. We try to ask everybody to keep their remarks to within, let's say a minute thirty or even a tiny bit under that."

2. Randy Pelzer said, "I'm Randy Pelzer. I'm head of the Cruise Ship Task Force, with Charlestowne Neighborhood Association, and a resident south of Broad. I'm here to join Mr. Pratt-Thomas in asking that the present ordinance be tabled so that the City Council will have a chance to study the work of the Historic Charleston Foundation, which will, for the first time, try to quantify the negative effects of the cruise industry so that the City Council can then make a decision, weighing the positive effects cited by the Mayor versus the negative effects which have not yet been analyzed. I'm going to talk tonight about some of the positive effects that have been cited.

We were fortunate to have Mayor Riley talk at our Neighborhood Association last night. I asked him about one of those positive effects, which is the 35 acres at the south end of Union Pier, supposedly to be available for redevelopment. The City, according to Mayor Riley, doesn't have a contractual commitment from the Ports Authority regarding the development of those 35 acres. The City would be well-advised

to check with the City of North Charleston for reference as to their willingness to abide by their contractual commitments. I know that Mr. Newsome himself doesn't rely upon the word or the honesty of the Ports Authority with regard to his own compensation agreements. I'm sure that he has an employment contract that spells out what he's paid and what the term of his employment is. I should think that the City should expect nothing less before relying upon that 35 acres and allowing the Ports Authority to place this cruise terminal at the heart of downtown Charleston. One reason why you want to consider limits is that the Ports Authority is going to be building a facility capable of handling two ships at a time. It's going to have an 1800 foot dock and it's going to have the ability to bring in the largest ships. So, in a few years, if the Ports Authority grows the business as I'm sure it hopes to, they're going to maybe need more parking, and if they're not contractually obliged to do anything with the 35 acres, they may very well want that 35 acres for parking or part of it. So, I wouldn't count on the 35 acres. Thank you."

Mayor Riley said, "Yes sir. Thank you very much. Anyone else on this side? Yes ma'am."

3. Elizabeth Hagood said, "Thank you, Mayor Riley, Councilmen, women. My name is Elizabeth Hagood and I'm a long-standing citizen of the City and I'm up here to speak on behalf of Historic Charleston Foundation's ordinance that you will be considering tonight, or I hope you will consider tonight. I'm a trustee of Historic Charleston Foundation and have been involved in the crafting of this proposal for a long time. Countless hours and dollars have been invested by Historic Charleston Foundation in the legal research and the drafting of a moderate set of enforceable standards for the cruise industry. Historic Charleston Foundation's ordinance is balanced; it's based on the existing contracts in place with the cruise lines and it's based on Jim Newsome's letter outlining the size, scale and frequency of visits. There are numerous benefits to this, but I want to just focus, in the interest of time, on three. Here are the top three reasons I want you consider that. One, it resolves the lawsuit against Carnival Cruise Lines by utilizing existing legal authority. It is fiscally irresponsible, not to mention ludicrous, for the City of Charleston to be spending taxpayer dollars defending its lack of authority to regulate the land side of cruise ships when the authority exists. The Historic Charleston Foundation's ordinance is based on legal authority that the City has at this time. Number two, it addresses the quality of life issues raised by the citizens regarding impacts from cruise ships. Right now, the biggest threat, to both the quality of life of the residents and economic growth of our City, is a city that will not defend its citizens utilizing its authority and will not promote its unique brand. The third reason is it resolves the community dissent. It's a win-win. Enlightened leadership needs to show that the maritime interest and the quality of life are compatible and that we need to dispel this 'jobs versus snobs' negative PR that's dividing this City. This ordinance will do that. Thank you."

Councilmember Riegel returned to the Chamber at 5:55 p.m.

Mayor Riley said, "Thank you very much. Yes ma'am."

4. Peg Moore said, "I'm Peg Moore with the Committee to Save the City. We would like to be on record as urging you not to pass the proposed ordinance. We need one with teeth, for all the reasons that have just been stated by the previous speakers. Thank you."

Mayor Riley said "Thank you. Anyone else on this side? Okay. Yes sir. Whoever would like to go first."

5. Roy Richards said, "Mayor, Councilmembers, my name is Roy Richards. I live on Lenwood Boulevard downtown. I hope the Council will not support the Administration's weak ordinance that discourages, but does not control the coming boom in cruise ships and passengers. It is well-intentioned, but a mere token response to this crisis. The alternate ordinance, suggested by the Historic Charleston Foundation, coupled with an enforceable Memorandum of Agreement with respect to dumping and other violations, is the only effective response to this issue. Downtown residents readily share this City with visitors and tourists, but many of us find it tiresome to have our sidewalks groaning with heavy-drinking, trinket-buying folks bringing the City to a standstill. We will share it with them, but we won't give it up to them. We're tired of the steady encroachment upon our quality of life that the mushrooming cruise industry brings. It's disappointing that the City Administration has not shown the legal imagination to protect our neighborhoods from exploitation by the SPA and cruise lines. The alternate ordinance, suggested by Historic Charleston Foundation, has been well-vetted by outside attorneys, sets a cap on both the number and size of ships, and can be enhanced by verification through enforceable agreement that no waste be discharged within 12 miles from land. These are reasonable and legally defensible positions, and anyone living downtown, uptown or Crosstown should get these restrictions no matter where the terminal's sited. The SPA covets access to Charleston neighborhoods because of their magnetic tourist appeal, but the SPA has bitten the Charleston hand that feeds it, driven by passenger fees and paranoia of any sort of regulation. I will just close by saying this is the last thing I'd like to do tonight, but I'm called up to defend my City."

Mayor Riley said, "Thank you very much. Yes sir."

6. Robert New said, "Mayor Riley, members of City Council, I thank you for the opportunity. My name's Robert New. I've been working along the docks in Charleston, North Charleston, Mt. Pleasant, for three decades, alongside the Longshoremen. I've been working at Union Pier for three decades. It's a funny thing. I've got some questions. For all these years, we've had 6, 8, 10 ships a week. No issues. We've had ships that were substantially higher than Carnival. No issues. Carnival is immensely environmentally friendly. Those ships are the most environmentally friendly ships that we see in the port of Charleston. Why is this an issue now? Traffic? I don't see complaints when we have Southeastern Wildlife or Spoletto. Yes, there is some added traffic, but the new terminal will alleviate that. I'm a bit confused. I'll tell you what we get a sense of: that's there's substantial arrogance involved. It's true, it is true that some of the people on those ships don't look like some of the people that live downtown, and they don't dress like the people downtown, but I have to tell you something: we're a Port City. We've been a Port City for 340 years. It's the essence and soul of what we've been doing for centuries of generations and generations. Don't give that up, and that's where we're headed. Remember, we're a Port City."

As scattered applause faded, Mayor Riley said, "Well, thank you very much. We don't allow applause. This is, in essence, a legislative body for receiving information."

We thank all of you for being here and everybody's doing a great job. I thank our Clerk; she's got the hard job of trying to keep us on track."

7. John Keener said, "You don't need a watch. I'll be short and sweet. Mr. New stole my thunder right there, but I'm John Keener. I represent Charleston Crab House and 150 employees at the two locations, and I also represent the Charleston Cruise Business Council. We ask that you pass this tonight. We feel like this is a great thing for the City. The cruise business is just one more business that's going to be in Charleston through the Port. We ask also that our dirty laundry in Charleston not be let out in North Charleston on billboards, and to take the sign down. Thank you."

Mayor Riley said, "Thank you very much."

8. Kitty Robinson said, "Mayor Riley, Councilmembers, I'm Kitty Robinson, representing Historic Charleston Foundation. Historic Charleston Foundation has enjoyed a long and successful working relationship with the City. We're proud of the many partnerships we have shared and enjoyed over the last 65 years in project after project for the betterment of the City, and we thank you for that privilege and association and we look forward to our continued partnerships. Tonight, we are here to bring to you, and ask you to accept, a gift from us, a gift we prepared for the City, for the State Ports Authority and for the community. It comes in the form of an ordinance to address the landside impacts of a proposed terminal. It is legal, reasonable and balanced, and offers an excellent management solution to months and months of discourse. We ask that you consider it carefully in your discussions later in the meeting. Through months of legal research, study and assessment, we are proud to provide a document as a means to solve what has become an increasingly important subject throughout our beloved City, and we are honored that we have received wide support for this ordinance. The adoption of the Foundation's ordinance paves the way for the removal of Charleston from the National Trust 'watch list' and, hopefully, the dismissal of the Carnival lawsuit. In the coming months, we will also present to you an impartial economic impact study regarding the cruise industry, and that will be the second gift we are proud to give you this year. Both gifts are given with enormous respect for your hard work and advocacy on behalf of the City of Charleston and its protection and preservation. Thank you."

Mayor Riley said, "Thank you. Thank you very much. Yes sir."

9. Robert Gurley said, "Mayor Riley, members of City Council, I'm Robert Gurley with the Preservation Society of Charleston. We also have several of our Board members here tonight. We believe that cruise tourism management is very consistent with the City's legacy and national reputation in handling tourism issues in general. We think that Mayor Riley's proposed ordinance is a good start, but we don't believe it goes nearly far enough. We believe that the ordinance proposed by the Historic Charleston Foundation resolves these quality of life issues in a legal and very reasonable manner, and also resolves and addresses the issues raised in our lawsuit. Thank you."

Mayor Riley said, "Thank you very much. Yes sir."

10. Kenneth Riley said, "Good evening, Mr. Mayor, Councilmembers. My name is Kenneth Riley, President of the International Longshoremen's Association. We heard a lot today about shared sacrifices. I think it's time the community south of Broad and south of Calhoun, share some of the sacrifices necessary to keep the City and the

state where it needs to be. Other major projects that have been undertaken in the City of Charleston and improve the quality of life for all of us, like the Crosstown, like the Ravenel Bridge, came through our communities, and we shared those sacrifices. The building of the Longshoremens's Association was taken out by the Ravenel Bridge. I'm sure we all enjoyed that, but those were the sacrifices that other communities have made to keep Charleston where it is. That 'Cruise Control' sign, you need to put up there 'Engine Stop' because it's going to stop the engine that fuels the economy in the City and in the state, because the engine that I'm talking about is the Maritime Industry. It generates jobs. All we're hearing today is about 'let's generate more jobs.' We're talking about great jobs. I have probably almost 120 people out tonight, making good wages and good benefits, up to 50 dollars an hour almost tonight. We have the International Trade Conference in this City, as we speak. Industry representatives from all over the world are here to take a look at Charleston, and they see 'Cruise Control.' They hear about a civil action being taken in Charleston, against the industry. They hear about a civil action being taken in North Charleston, against the industry. We want to create jobs all over the state. We want to bring industry to the state. Most of the industry that relocates, especially the manufacturers that come to South Carolina, is because of the great port system. We are about to send wrong messages to the industry that Charleston is closed for business. This is not only a cruise issue; this issue affects commerce moving throughout the State of South Carolina. You will never see this in Savannah, Georgia. I'm going to wind up, because qualifying new workers for benefits this year, Savannah, Georgia has qualified more workers than Wilmington, North Carolina, Charleston, South Carolina, Jacksonville, Florida, and Tampa combined. Think about that. Thank you."

Mayor Riley said, 'Thank you very much. Yes sir.'

11. Dr. Robert Ball said, "Mr. Mayor, Councilmembers, I'm Dr. Robert Ball. I do not live downtown; I live in West Ashley, and my family's been in Charleston for, shall we say, awhile. I'm here wearing two hats: one as a public health epidemiologist and, secondly, as Junior Warden of St. Stephens Episcopal Church in Ansonborough; I'm responsible for Building and Grounds there. I, too, support the Historic Charleston Foundation's proposed ordinance and urge Council to table tonight's proposed ordinance for further study. My primary concern is air pollution, particularly the particulate pollution we can smell, see and feel downtown, particularly in Ansonborough. At a minimum, Council, you should require shorepower rather than the continuous smoking chimney from an otherwise nice-looking ship which, frankly, I think is more graceful along our shores than perhaps some of those large blue and white cranes. Nonetheless, at a very minimum, shorepower would help reduce the air pollution, which so threatens the health of our Eastside citizens of all races, and threatens them in terms of asthma, as well as our buildings. So, tabling tonight's ordinance, I think, for further study, would help go a long way to protect the health of our public. Thank you."

Mayor Riley said, "Thank you, sir. Yes ma'am."

12. Katie Zimmerman said, "Hi, I'm Katie Zimmerman, Project Manager with the Coastal Conservation League. As you know, we have seven pretty well-outlined concerns that I've spoken about often. The ordinance up for second reading tonight does not address any of the community's concerns that we have presented. The Historic Charleston Foundation's proposed ordinance actually addresses several of those concerns. So, we're very supportive and we hope that you incorporate what

Historic Charleston Foundation has worked so hard to put together, particularly with their legal research; incorporate that into the ordinance you're reviewing tonight. Also, I do have to say that, if the Carnival Fantasy is the most environmentally friendly ship that the State Ports Authority is currently hosting, we have a big problem. Lastly, retired Major General and Mrs. H. Douglas Robertson, who live at 2 Laurens Street in Unit 2-C, were unable to be here tonight and they have asked that I convey their concerns about the cruise ships and they would like to see cruise standards implemented. They are concerned about the ships' smokestacks, the proximity of that air pollution, the industrial operations elevation, the large trucks, heavy equipment and HVAC generators and compressors you see in the cruise terminal plan. All of that faces Laurens Place, and they have asked me to convey that they are concerned about the livability of their homes because of this. So, I ask you to please consider a stronger ordinance. This is not about reducing jobs and affecting commerce; this is about basic, reasonable standards that are aligned with what the Court has already said is its Market Goal. This is not about jobs. Air pollution affects every neighborhood on this peninsula and beyond."

Ms. Zimmerman turned toward Ms. Turner Maybank and said, "I'd also like to give you this. It's regarding Angel Oak."

Ms. Turner Maybank said, "Thank you, Katie."

Mayor Riley said, "Thank you very much. Yes ma'am."

13. Samantha Siegel said, "My name's Samantha Siegel; I live on Johns Island. I'm here to talk to you about the Angel Oak Expansion/Greenbelt Purchase; I've spoken about it a number of times as well. My concerns are pretty much the same in that it's a waste of taxpayer money and that the developer had submitted plans in 2008, in which he agreed that he was donating 7.25 acres to the City, and facilitating the relocation of the parking lot and the gift shop, and adding walking trails for public use, at the developer's cost, not costing the taxpayers a penny. So, it doesn't make sense to me why we would spend any money when we can get it for free. My other point was that the property has a mortgage right now of over \$8 million. In the Greenbelt Program, the County cannot disperse any funds until that lien is released. The Mayor said earlier that the developer may be in financial trouble, and I've seen lots of email correspondence through the FOIAs that he is in financial trouble. So, if this development doesn't happen, and the City pays for this, we could potentially not get that money from the county. In the Real Estate Committee documentation, there is a line repeated that says 'the purchase price will be payable in immediately available funds' so, I just don't understand why, or how that's ethical for us to spend City money when we're not sure if we're ever going to get those developed."

Mayor Riley said, "Thank you very much. Yes sir."

14. Rick Corrigan said, "My name's Rick Corrigan; I live at 20 Short Street, and I'm here to speak for myself. With respect, Mr. Mayor, there are very few ideas that come forth from the head of anyone that are perfect from the beginning. This is a process, and unfortunately there is an ordinance before Council this evening that is not complete. As far as a quality of life issue, I invite any of you to go down and try to enjoy our beautiful City Waterfront Park while there's a loudspeaker blaring out announcements from the top of the cruise ship. The comparison of this cruise ship to those graceful ones designed back in the early part of the last century, there is no

comparison, if you will look at the pictures or even the large ships today like the Queen Mary. I have no problem with people who want to wear balloon hats and drink in the street. Unfortunately, it's against City ordinance for me to have a drink in the street, which I think is unfortunate. This campaign needs to stop, whoever's behind it, insulting the citizens of this City, particularly those who pay the higher taxes, the extraordinary maintenance fees on the houses and churches of this City. Finally, though I must say a minute and a half is not long enough for any citizen to give any opinion to this Council or the Mayor, but, I would love to hear from Mr. New, Mr. Miller, and the President of the Union, what the State Ports Authority has done since the container ship method of shipping came into existence to create jobs and have more than 150 people out there, because that was destroyed with the Longshoremen's Union, not a cruise industry. Thank you."

Mayor Riley said, "Thank you very much. Yes ma'am."

15. Lorna Hattler said, "Hi, my name is Lorna Hattler. I wanted to also speak out against the Greenbelt Purchase of the land around the Angel Oak. The PUD for that property is already zoned conservation and I don't agree with spending our tax money, the Greenbelt money, to purchase this property by the City to zone it conserved. It's already in conservation, and I think it's a total waste of money and it's a waste of my taxpayer's money. I voted for the half-cent sales tax; I thoroughly agree with buying property that needs protection, but this property's already in conservation and it does not need more protection. Thank you."

Mayor Riley said, "Thank you very much. Yes sir."

16. John Hildreth said, "Good evening, Mayor Riley and City Councilmembers. My name is John Hildreth. I'm with the National Trust for Historic Preservation. I'm speaking on behalf of that organization as well as our site, Drayton Hall. Concerning the cruise ship ordinance before you, we believe that it is a good ordinance for gathering community input and communicating that, but as the other speakers have said, we don't believe that it rises to the level of oversight needed for the cruise ship industry in this community. The Historic Charleston Foundation proposed ordinance has been reviewed and researched by our legal staff, who believe that it is a legally defensible approach to regulation. Yes, if it's passed, if it's adopted, we would remove Charleston from its 'watch' status, but that's not the reason that we believe you should do that. That, in and of itself, is really only symbolic. We believe that this is an important, a prudent, feasible and fair thing to do for this City. We believe that the ordinance that's in front of you, coupled with the Historic Charleston Foundation proposal, would take the voluntary limits that the State Ports Authority has put forth and put them into a legally binding, enforceable form. If this ordinance isn't the way to do it, if the Historic Charleston Foundation's ordinance isn't the way to do it, then something is, and I just urge you to take the time to find that. We certainly recognize all that the City has done with the State Ports Authority in taking unprecedented steps to get public participation in their planning, and we commend them for that. All we're asking is you take one more step and put in enforceable limits. Thank you."

Mayor Riley said, "Thank you very much. Yes sir."

17. Leonard Riley said, "Good afternoon, I'm Leonard Riley. I'm a Longshoreman. I'm hoarse. I would like to start by saying the ordinance that's before

you, I think it's a great ordinance. I don't have the luxury of the kind of research that's being claimed here, but I do know I have common sense. A lot of that is bogus. This ordinance that we're considering eliminates traffic now that's at that terminal. It eliminates it. We've moved traffic from that terminal farther north, East of the Cooper and in North Charleston. Some of these concerns to the everyday working people in Charleston, to be quite honest, are laughable. We talk about the height ordinance and all that, and we believe we should quote this with the historical concerns of Charleston, but we do believe that Charlestonians deserve to eat. We've got a vocal, very vocal, very moneyed minority trying to claim that they're Charleston. Who's asking the ordinary everyday people on the streets of Charleston that have to come up, earning a living on docks and really work? So, I say to you that the concerns that I believe have been thoroughly examined. We've got some agreements between the Ports Authority and the City, and that kind of cooperation has been going on for years; it has held up. The people now that are reading the signs about the cruise ships that do the same thing that the container ships do, if we had the same restrictions on them, this City would suffer badly in the economy. So, I urge you to examine some of the bogus concerns and, if you want, spend some time on the streets talking to the everyday citizens and see what they say."

Mayor Riley said, "Thank you very much. Yes ma'am."

18. Adelaide Bennett said, "I'm Adelaide Bennett; I live on Meeting Street. I was not born in Charleston, but I've lived here half my life, and I'm very proud to call it home. I've been very impressed with the stewardship, which the Charlestonians preserve and protect their built environment and, as a result, their way of life. Tourism has brought jobs and life to a City that deserves to come out of years of stagnation. This is why it troubles me so deeply to watch while quality of life issues are handed over to corporate entities that have absolutely no interest in Charleston residents' concerns. In any business plan, you must look at the different stakeholders, such as employees, customers, suppliers, shareholders and neighbors. In the eyes of Carnival Cruise and the State Ports Authority, Charleston residents and their concerns do not make the cut. We are not even considered. Maybe we're considered a roadblock or something to overcome, but we're certainly not given the respect of a stakeholder in this cruise ship problem. I resent this. I resent being told that we don't need emissions controls. Anybody who lives or works in the City can't have missed the layers of soot on their windowsill, which return shortly after cleaning them. This didn't happen twenty-five years ago when I first moved here. This is what we are breathing every day, residents, people who work here, everybody. You, as City Councilmembers, do have the authority and the duty to protect the citizens of Charleston from unregulated cruise ships. You do not need to agree to everything that Carnival asks you. Please listen to your constituents. We are stakeholders. Please pass an ordinance regulating cruise ships, but not this one. This has no meaning, and you know it. Thank you very much."

Mayor Riley said, "Yes sir."

19. Mohammed Idris said, "Good evening, Mayor. My name is Mohammed Idris, Councilmen, ladies and gentlemen. Councilmen, I put some literature in your desks and with the speech, mainly, that the President gave last Thursday. He asked everyone to tell their Congressmen to support this program, in this initiative that he's making to create jobs. So, I'm asking you to tell your constituents to support the

President and his effort to create jobs for the masses of people of not only this City, but this Country. Thank you.”

Mayor Riley said, “Thank you sir. Yes ma'am.”

20. Pat Sullivan said, “Hi, I’m Pat Sullivan. I live in Mt. Pleasant, and I, first, want to say that I’m very much looking forward to the development of Union Pier. I think it would be absolutely wonderful if we could have the whole pier, and if the cruise terminal could be moved somewhere else. I’m not saying ‘no’ to the cruise terminal. I’m saying just someplace else, so we could have a more beautiful waterfront. I think the current ordinance that you all are considering has no teeth in it, and so I don’t see any point in passing something that has no teeth in it. I back what the Historic Charleston Foundation has been presenting, and I would like to add two things now. One is, surface parking. If the cruise terminal is going to remain at Union Pier, please do something other than surface parking. It’s just not the way to treat such valuable waterfront property. The second thing is, anybody who thinks that we are not cognizant of, and not proud of, our maritime history, and are trying to get rid of our maritime industry, that is absolutely not true. I have not heard that from anybody. We have a wonderful history; we want to keep honoring it, and we want it to continue to be a huge part of our local and our State economy. Thank you.”

Mayor Riley said, “Thank you very much. Yes sir.”

21. Christopher King said, “Mr. Mayor, members of Council, my name is Christopher King. I live on Montagu Street. I’m also a Board member with the Preservation Society of Charleston. I’d just like to acknowledge there are many of our Board members here with us tonight. This is an issue that’s very important to our organization and to our membership. We have members in every neighborhood in Charleston and many areas beyond the City of Charleston. It’s time that we stop confusing the issue and letting this polarize us as a community. I think it’s time to move forward and I think that the Foundation’s well considered ordinance is a good step in that direction and I hope you consider it.”

Mayor Riley said, “Thank you very much. Yes sir.”

22. Marc Knapp said, “Marc Knapp, 2258 Pristine View. Three quick things. Number one, it’s not getting any better out there, folks. I’ve bid probably \$2 million worth of work in the last three weeks. Guess what? It’s all government. I haven’t seen a private job in probably eight months going to bid tabs. Next thing, this cruise stuff, you have to look at it and say this is crazy. You’re trying to regulate something that I really don’t think you have the ability to regulate, because I think it’s international and federal law, but the important thing is, we intervened in this case. Why didn’t we counter-sue them for cost? Just food for thought, because I think it’s a frivolous lawsuit, personally, but that’s for the courts to decide. Next thing, and I heard this came up during the budget, but I just want to reiterate it, because I’m looking at it real hard, the ban on the bond anticipation note. I’ve talked to an attorney that used to be, basically, a Municipal Counsel. It really concerns me. Number one, we seem to think it’s illegal, because it is a bond and I think it’s going to exceed your bonding capacity without a referendum. So, that creates a major problem, plus the idea of just rolling it. As the attorney put it, it’s a bond anticipation note. You keep rolling it and it actually becomes a bond. I think

realistically, we need to drop back ten, punt and stay away from that and we need to figure out a better way because I don't think the infrastructure bank, after hearing Mr. Limehouse, is going to have any money. So, food for thought."

Mayor Riley said, "Thank you very much. Anyone else? Yes ma'am."

23. Debbie Scott said, "My name is Debbie Scott and I'm a resident on Society Street in historic Ansonborough. I would like to ask the Council, this evening, to consider the Post and Courier's recent Sunday editorial requesting that you seriously consider the proposed Historic Charleston Foundation ordinance to regulate the cruise industry. I believe, as do many of my neighbors, that the Mayor's non-binding ordinance on the cruise ship industry, should be defeated or at the very least, deferred. Many knowledgeable attorneys and State Legislators have come forward to say that there is, in fact, legal authority for City regulation through an ordinance grounded in a sound legal position. Such a proposed ordinance has been gifted to the City tonight by Historic Charleston Foundation. It has been carefully researched and it deserves the Council's full consideration. I hope that you will vote to defeat or at the very least, defer the Mayor's ordinance and take up the gifted ordinance given to you tonight by Historic Charleston Foundation. As our State Senator Campsen indicated in his recent op-ed piece, Charleston deserves a balance of quality of life and strong economic development. They are not mutually exclusive. Historic Charleston Foundation's ordinance provides for this. The Mayor's proposed original ordinance does not. Thank you."

Mayor Riley said, "Thank you very much. Yes sir."

24. David Ginn said, "Thank you Mayor Riley, Councilmembers, ladies and gentlemen. My name is David Ginn and as President of our region's Economic Development Organization, the Charleston Regional Development Alliance, and on behalf of our Board of Directors, made up of this three county region's top business, academic and elected leaders, I lead a group that serves as a catalyst for long term and sustainable, economic growth, in this Charleston three county market. We do it by marketing this region as a globally competitive market for a business in talent and by facilitating the site selection process, by companies considering competitive relocations or competitive expansions. The Port of Charleston is a globally competitive asset and an economic engine for our region and our State, as has been said, several times tonight. It represents a strategic advantage for companies seeking global connections. It plays a vital role in driving our economic prosperity and our region must support the Port's continued success. Mayor Riley's proposed ordinance is a thoughtful, common sense and thorough approach for reviewing and evaluating the cruise ship management plan. As written, it involves extensive opportunities for community input and involvement over the course of a year, if such an approach is required on into the future. The Charleston Regional Development Alliance supports the Port's efforts to remain globally competitive and that's what all of this is about tonight, everybody. Don't forget, I haven't heard that spoken. Global competitiveness is what all of this discussion is about. We encourage City Council to adopt this ordinance, as written. Thank you, Mayor."

Councilmember Mitchell was excused from the Chamber.

Mayor Riley said, "Thank you sir. Thank you very much. Yes sir."

25. John Cameron said, "Thank you Mr. Mayor, thank you Councilmembers. I'm John Cameron and I'm representing the Charleston Branch Pilots Association, a proud Charleston business for over 150 years. You are aware our petition is in favor of the Mayor's ordinance regarding cruise ships. To go back to my engineering roots, my environmental officer roots, and statistics about the issue that has become relevant recently with regards to the cruise ship issue, air pollution; we don't take it lightly. We put our people on these ships everyday. To put it in perspective, we're talking about an additional 30 ships a year, from 60 to 90, in port at 10 hours a day. That's 300 hours of operation. Last year, 162 roll-on roll-off ships tied up at Union Pier; they now go to the Columbus Street terminal. The projection is, it will be about 180, maybe as many as 200 of those calls this year. With the half hour it takes to dock and undock, that's 180 hours of engine use not at Union Pier anymore, that has been displaced in favor of 300 hours of engine use that has been added. The engine use, on the Carnival Fantasy, while it's in port, they have 57,000 horsepower on board and six engines. They run one or two of them while they are in port, so they're talking about 8,000-16,000 horsepower running. A ship docking is using all 60,000 horsepower and again 180 times a year, we're not burning fuel and that 60,000 horsepower engine, docking and undocking at Union Terminal. We'd be happy to bring any information that is relevant to this issue. The EPA and the International Maritime Organization have adopted the most rigorous environmental standards, in my opinion, applied to shipping. We won't see the benefit to those for another 3-4 years as the fuels that ships are allowed to use because of all the new standards, but we will see a significant improvement then. Thank you."

Mayor Riley said, "Thank you sir. Yes ma'am."

26. Mary Graham said, "Mr. Mayor, members of Council, my name is Mary Graham and I'm here tonight representing the Charleston Metro Chamber of Commerce, its 1850 members and the 75,000 employees of those members. One in every four employees in our region is a member of the Chamber of Commerce. We're here tonight to urge you to, once again, pass second reading on this ordinance as it is written. We do not need to be putting limits on our Port. The Port is the economic engine of not only this region, but our state and we must do everything possible to continue to support its growth and expansion. Thank you very much."

Mayor Riley said, "Thank you very much. Yes ma'am. I think this might be our last speaker, next to last speaker."

27. Erin Mellen said, "My name is Erin Mellen. I live at 2 Pitt Street and I am a resident of the City and I'm a stakeholder both as a resident and as a business person. I want to urge you to pass the Mayor's ordinance as it is written tonight. I realize that the opposition's main problem with this legislation is that it does not codify the number of ships, how often they dock, etc. Since the South Carolina State Ports Authority decided to build a new cruise terminal, they have been transparent in their communications with the City and its neighborhood associations. They have taken requests from residents seriously and incorporated many of them into the plan. Now I think most of you are aware of that, or should be. In 2003, the South Carolina State Ports Authority agreed to only one ship at a time that carried more than 120 passengers. We had some smaller clipper ships at that time. To my knowledge, they have kept their word. On November 2nd, 2007 the MS Columbus, a Hapag-Lloyd ship was denied dockage, because they already had a ship in. Mr. Jim Newsome did not join the Ports Authority until 2009, so the argument that when he's gone, the Ports Authority will not keep its word, I do not

think is valid. On March 31st, 2011, the Queen Victoria was denied dockage. The Port has kept its word in the past and will do so in the future, even when Mr. Newsome is no longer here. I urge you to pass this ordinance as written tonight.”

Mayor Riley said, “Thank you very much. Yes sir.”

28. Sam Applegate said, “Thank you Mr. Mayor, members of Council, my name is Sam Applegate. I live on King Street. I’m also President of the Historic Charleston Foundation and I appreciate the opportunity to speak with for just a few minutes tonight. First, I want to make it clear, the Historic Charleston supports the Port; it supports jobs, it supports the City and its regulation of business activities, it supports the citizens of the City and the Historic District and supports the citizens at large. We have an opportunity, this Council has an opportunity tonight, to address an issue that’s of great extreme interest to the City. I think you have an opportunity to address the needs of the Ports Authority. I think you have an opportunity to address the needs of the Old and Historic District and have an opportunity to bring all these things together by looking at this issue, looking at the ordinance we proposed, which provides a vehicle by which we can move forward. We can put this issue behind us and we can move forward doing the things in Charleston that are important and we will not be restricting what’s been agreed to by the City, by the Port. We will be addressing the interests of the Historic District and we will make and continue to make Charleston the City that is; the City that we love and we’re so proud of. I ask each of you to please look at this issue. If necessary, defer and study the issue further. The Mayor has done a lot of work and presented a good ordinance, but I believe that ordinance needs additional work, and that work can be done, and can be amended by the work that we have done at Historic Charleston and others have done to craft something that truly will satisfy the interests of the Port. It’ll satisfy the interests of the workers, of the City and it will benefit all of Charleston and the State of South Carolina. Thank you.”

Councilmember Mitchell returned to the Chamber.

Mayor Riley said, “Thank you very much. We do have one last speaker, Mrs. Thornhill. Then, this will conclude our 30 minute Citizen Participation Period. We’ve saved the best for last.”

29. Mrs. Jane Thornhill said, “Oh, I don’t know about that. I think I’m the oldest one in this room. I have lived on the Peninsula for 86 years and my family has been involved in shipping since the 1880’s, when they brought it from Oslo, Norway. I was lucky enough to be on a cruise last summer, on the Seaborn, that’s coming in here on October 15th and all around Norway, and all around the North Sea. I’m just back from the Baltic Sea, watching the shipping, 400 ships in Helsinki, Finland; Stockholm, Sweden; Copenhagen, Denmark; and St. Petersburg, Russia. The people were glorious, walking the streets, and I was introducing myself from Charleston, South Carolina and meeting all these wonderful people, and we could have this here. I’ve seen it all my life and I live on 24 Legare Street. I invite the people in to use my facilities. It’s downtown Charleston. People know where to find me and they’ve always known. I urge you to pass this Mayor’s proclamation tonight and please think, because a lot of you don’t know about shipping like I do. I was raised with it and I’ve been at it all my life. My nephew is still in the business. Thank you.”

Mayor Riley said, "Thank you, thank you all very much. I know there is one question about the minute and a half, but we have about a 30 minute Citizen Participation period. Usually more hands go up, so I think we probably did a lot more than 30 minutes, but you all did a great job. You worked hard to keep your remarks within the time and presented very well, and thank you all so very much for coming."

Mayor Riley said, "So now we'll proceed with the Petitions and Communications. Mr. Ed Pendarvis has requested to speak on a Greater Charleston. Mr. Pendarvis."

Ed Pendarvis said, "Thank you Mr. Mayor, all the members of City Council of Charleston, thank you all for what you're doing. You have a wonderful place to live the Lord has given us to work and raise our families and worship. Everywhere you go, any where around the country, around the world, you tell somebody you're from Charleston and the first thing out of their mouth is that's my favorite place or my wife and I to go is Charleston. I congratulate you on that Mr. Mayor and what a wonderful job you all have done with your stewardship of our wonderful City. If you look at history though, it started in West Ashley in 1670 and then moved to the Peninsula 1680. And when you look at the history, today is tomorrow's history and any decisions you make tonight and any decisions you make every time you're here deal with the past and the present and the future. I would like for you to consider tonight, is a little bit of a change in the future. Where we're going as a City and as a City State. In 2008 I had the pleasure of hearing the President of the College of Charleston make a presentation to the Metro Chamber of Commerce, Dr. George Benson, and in that presentation, for the next 100 years we're going to be dealing with City States and we're going to be competing with every other City State and you notice a lot of time they'll say Raleigh, they don't even say North Carolina or Charlotte or Atlanta or Savannah or Charleston or Columbia/Greenville and the City entity becomes the larger and more stronger entity because that's where people live and commerce happens and things like that. Charleston is and absolutely should be the first City in South Carolina. When we were hemmed in, you might say, on the Peninsula, and when Mayor Gaillard first start doing to something to move West Ashley to expand and then we continued to move and quite frankly I'm going to say this, we were asleep at the switch and they formed the City of North Charleston, around Park Circle Communities. What we used to call the North area, which was primarily made up of the Navy yard, the Navy Base, the Weapons Station, the Air Force Base and they formed a City there. As we look at where they are today, we've got an amazingly wonderful opportunity to merge these two Cities. I spent 30 years putting business deals together. A good merger of equals and in a good manner, the sum as a whole is so much greater than the sum of the equal or separate parts. I believe with all my heart that that's to be true, if we were to look at Charleston and North Charleston and uniquely we've got a wonderful opportunity the Lord has given us, right now, to look at this seriously. It won't be here for very long. We've got a wonderful Mayor, of both cities. Joe Riley, was at the Citadel a year before me. He has just been a wonderful Mayor for Charleston for 36 years and has led this community so wonderfully. We know him, we trust him, we know where he's coming from, and we know how well he's done with the stewardship of our community. Mayor Keith Summey, who actually has been the chairman of County Council, served on County Council and for 17 years has been the Mayor of North Charleston, has amazingly brought that community in a few short years, to where it's the third largest city in South Carolina. It's the third city, it's the first city when it comes to retail, and that was before Boeing and that was before the Clemson and the Wind Turbine Industry that's going out there. So, North Charleston is rocking and rolling. We

need a broader tax base so that we can lower our taxes and improve our services to our community. Right now, to grow, we've got to go almost toward my town of Allendale, where I'm from originally.

We're going further and further out West because we can't go East because of the Atlantic Ocean. We can't go North, when you come to Cosgrove Avenue, there's a sign that says welcome to North Charleston. I have so many people ask me, what is that? Quite frankly, you've got West of the Ashley, you've got downtown Charleston, you've got East Charleston, and you've got North Charleston. But it is another city and it's the third largest City. We're the second largest City. The second City, third City, Charleston ought to be the first city of South Carolina. Absolutely the first City of South Carolina, now and forever and ever and ever. You can do that, and quite frankly we can do it with your ordinance to let the people vote on it. I'm not asking you, at all, to make a decision that you're for this or not for this. What I would like you to consider as our leaders, is to let the people vote on this, if they would think this is a good idea. I'm making the exact same presentation to North Charleston, to Mayor Summey and North Charleston City Council. By vote of an ordinance, you could decide if you want to do this or not. The main thing I'm asking you to do, is put it on the ballot and advise a referendum exactly like we did with the Parks Commission years ago. I had the pleasure of being Chairman of the People's Parks Committee, who passed a 34 million dollar bond referendum. They built the fishing pier and improved the water parks, both on James Island and in Mount Pleasant and built Wannamaker Park in North Charleston. That was done because we got together two weeks after they announced they were closing the Naval Shipyard and instead of wringing our hands, saying what are we going to do, we looked at it from a practical standpoint and we asked the County Council to please put it on the ballot and they let the people vote for it and 61% of the people voted for it. That's probably the best investment we made in our community in the last several years, our parks program for our children and our grandchildren. I'm asking you to look into the future, if you would and if we had a four year merger, that's what I'm proposing. I've got a web site we just set up, I just sent you an email this morning, I think I did, I'm never sure if my email goes through. I tried to send everybody an email this morning. We've got a web site that's called www.onegreatercharleston.com. If you go to that, and please look at it and you'll see the rationale that we're talking about, there's a brief video there called a mission critical video. It mentions some of the things we're looking at, and if we could get together on four year transition, Mayor Riley would be the Mayor, or the elected Mayor of Charleston, would be the Mayor for the first two years as the senior city and the larger city, and Mayor Summey or the Mayor of North Charleston would be the Mayor Pro Tem for two years. After that they'd switch places, because we're ascribing the same balance of power to North Charleston. And they bring a huge tax base to the City of Charleston. I believe that we could both improve services, one police department, one fire department, one city government dealing with the State Ports Authority up and down the river, one city dealing with the highway department all around, one city dealing with the railroad, one city dealing with the airport. The Charleston airport is in North Charleston, it ought to be in Charleston. We ought to be one city and most people consider themselves Charlestonians. I'd ask you Mr. Mayor if you would consider that, you're the only person I know that can lead this. I don't want to embarrass you, I think you've done such a marvelous job that I would ask you and I would ask City Council to please consider One Greater Charleston and give it your thought as our leaders and allow the people to vote on it in this election coming up.

They can vote it up or down if they are interested in merging the two cities by becoming One Greater Charleston. Thank you very much Mr. Mayor.

Mayor Riley said, "Thank you very much Mr. Pendarvis. Okay we now proceed with Committee Reports. The Standing Committee reports, the Ways and Means.

Mayor Riley said, "Next is the Ways and Means Committee Report."

1. Committee on Ways and Means:

(Bids and Purchases

(Housing and Community Development: Acceptance of the Shelter Plus Care Grant \$283,500 (In-kind City Match) *Department of Housing & Urban Development*

(Parks: Accept award for 12 trash cans and 12 recycling receptacles \$10,000 (No City Match) *Keep America Beautiful – 2011 Waste Management Think Green Grants*

(Police Department: 11 Mobile Communication Terminals with GPS and in-car cameras and 11 air card service annual fees: Grant award \$66,743 (No City Match) *US Department of Justice Programs*

(Executive: Grant application for the Development of Urban Design Strategies for FEMA Velocity Zones from the National Endowment for the Arts \$20,000 (\$5,000 match from SC State Ports Authority) (\$20,000 In-kind City Match) *National Endowment for the Arts*

(Approval of an agreement to purchase and sell real estate for the acquisition of approximately 6.49 acres of land adjacent to Angel Oak Park, using Greenbelt Grant funds in the amount of \$339,000

(To accept grant funds from Charleston County Greenbelt Grant Program

(MOJA Arts Festival Jazz Gala: Porter Gaud School Rental

(MOJA Arts Festival Tribute Luncheon: Magnolia Plantation and Gardens
(Annexations of various parcels of property in the unincorporated area of James Island

Give first reading to the following bills and adopt resolutions coming from Ways and Means:

An ordinance to provide for the annexation of property known as 444 Carol Street (1.0 acres) (TMS# 343-11-00-065), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 11.

An ordinance to provide for the annexation of property known as 745 Condon Drive (0.41 acres) (TMS# 426-06-00-125), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 864 Dills Bluff Road (0.30 acres) (TMS# 426-10-00-168), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 2114 Golfview Drive (0.28 acres) (TMS# 343-06-00-004), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 11.

An ordinance to provide for the annexation of property known as 1832 Houghton Drive (0.33 acres) (TMS# 343-08-00-015), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 1.

An ordinance to provide for the annexation of property known as 1404 Relyea Avenue (0.35 acres) (TMS# 426-05-00-080), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as a parcel on Riverland Drive (1.0 acres) (TMS# 340-00-00-017), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 1.

An ordinance to provide for the annexation of property known as a parcel on Riverland Drive (5.44 acres) (TMS# 340-00-00-023), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 1.

An ordinance to provide for the annexation of property known as 2056 Saint James Drive (0.25 acres) (TMS# 343-02-00-082), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 11.

An ordinance to provide for the annexation of property known as 758 Sprague Street (1.5 acres) (TMS# 425-04-00-153), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 761 Sprague Street (0.52 acres) (TMS# 425-04-00-144), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 776 Stiles Drive (0.39 acres) (TMS# 454-05-00-070), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 1592 Teal Marsh Road (0.14 acres) (TMS# 331-07-00-219), James Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 12.

An ordinance to provide for the annexation of property known as 328 Woodland Shores Road (0.50 acres) (TMS# 343-11-00-115), James Island, Charleston County, to the City of Charleston shown the area annexed upon a map attached hereto and make it part of District 1.

Ms. Turner Maybank said "I just want to make sure that I put in the record that it includes the 14 annexations ordinances.

Councilmember Mitchell said, "Correct."

Mayor Riley called for the vote.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted to approve the Committee on Ways and Means Report as submitted.

Mayor Riley said, "Next is the report of the Committee on Traffic and Transportation.

Committee on Traffic and Transportation:

(Speed Humps Approval- Ashton Street- Gadsden Green Residents Association
(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/ Limo- Gerald Brice DBA Chuck Town Transit (Taxi)
(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/ Limo- Jennifer Catherine Rivers (Taxi)
(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/ Limo- Iris King and Angela Abd El Kader, DBA Omega Transportation (Limo)
(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/ Limo-Liza Frazier (Taxi)
(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/ Limo- Key Cab, LLC (Taxi)

The Mayor recognized Councilmember Hallman.

Councilmember Hallman stated he was unable to attend the meeting and asked Councilmember Wilson to give the Committee Report.

Councilmember Wilson said, "Thank you. The Committee on Traffic and Transportation met earlier this afternoon and considered the items before you, the speed bump approval and the application for original certificate, a public convenience and necessities certificate for a taxi cab limo, with the following perks. There is an addition of one and Mr. Somerville had mentioned it to me and now, it's not on this agenda, it was added at the last moment to our agenda. I don't know if Mr. Somerville is here.

Ms. Turner Maybank advised, "Hernan is. Is Hernan back there?"

Ms. Janie Borden advised, "It's Key Cab, LLC.

Ms. Turner Maybank said, "Okay, Thank you."

Councilmember Wilson said, "Thank you. That is in addition to the certificates that we approved, all paper work was in order and the Committee recommends the agenda for approval.

Councilmember Lewis said, "Second."

Mayor Riley said, "Any discussion?" The Mayor called for the vote.

On a motion of Councilmember Wilson, seconded by Councilmember Lewis, City Council voted to approve the Traffic and Transportation Report as submitted.

Mayor Riley said, "Now we have bills up for Second Reading." The Mayor recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mayor Riley, the bills up for second reading, can we take one through seventeen (1-17) excluding six (6) and seven (7) which is deferred. I know you might have some discussion on number six (6) so we can exclude that one."

Councilmember Riegel seconded Councilmember Mitchell's motion.

Ms. Turner Maybank said, "A slight correction Mayor, it's really eighteen (18), there was a number out of place, the order is one through eighteen (1-18).

Councilmember Alexander said, "My question goes back to Traffic and Transportation, did we take any action on it? I didn't hear him (Mayor) asking for a vote. I know there was a motion and a second, but beyond that, I think everything stopped."

Councilmember Lewis said, "He just needs to carry the vote."

Ms. Turner Maybank said, "Mayor, let's vote on the Traffic and Transportation Report."

Mayor Riley said, "The motion has been made and seconded, any discussion?"

The Council voted unanimously to approve the Report of the Committee on Traffic and Transportation.

Council returned to the Bills up for second reading.

Councilmember Mitchell said, "Now my motion, is to give second reading to numbers one through eighteen (1-18) excluding six (6) and seven (7), seven which is deferred."

Councilmember Riegel said, "I second that motion."

Mayor Riley said, "Any discussion?"

Councilmember Lewis said, "I already seconded that."

Mayor Riley said, "Yes sir, Councilmember Gregorie?"

Councilmember Gregorie "Could we also include five (5) please?"

Ms. Turner Maybank clarified "So it will be one through 4 (1-4) and then eight through eighteen (8-18)."

Councilmember Lewis said, "Councilmember Mitchell made the motion, and I seconded it."

Mayor Riley said, "Okay, those in favor of the motion to give those bills second reading and order to third reading signify by saying Aye, Opposed No."

On the motion of Councilmember Mitchell, fifteen (15) bills (Items K 1-4 and K8-18 on the agenda) received second reading. They passed second reading on motion of Councilmember Lewis and third reading on motion of Councilmember Mitchell. On further motion of Councilmember White, the rules were suspended and the bills were immediately ratified as:

- 2011-120** TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING PROVISIONS TO ALLOW AND ENCOURAGE CLUSTER DEVELOPMENT AND ENABLE URBAN INFILL DEVELOPMENT.
- 2011-121** TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING REQUIREMENTS FOR A DIRT MINING SPECIAL EXCEPTION USE PERMIT AND CHANGING A MINING USE FROM A PERMITTED USE TO A SPECIAL EXCEPTION USE IN THE LIGHT INDUSTRIAL (LI) AND HEAVY INDUSTRIAL (HI) ZONE DISTRICT.
- 2011-122** TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS PART THEREOF, SO THAT 17 ARCHDALE STREET (HARLESTON VILLAGE – PENINSULA) (0.11 ACRE)(TMS# 457-08-04-063) BE REZONED SO AS TO BE INCLUDED IN THE SCHOOL OVERLAY ZONE (S) CLASSIFICATION.
- 2011-123** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COMMERCIAL LEASE BETWEEN THE CITY OF CHARLESTON AND THE SOUTH CAROLINA MARITIME FOUNDATION FOR THE LEASE OF THE SHAW COMMUNITY CENTER LOCATED AT 20 MARY STREET IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA.
- 2011-124** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1027 GREENHILL ROAD (0.36 ACRES) (TMS# 428-07-00-116), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-125** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1052 HARBOR VIEW ROAD (0.40 ACRES) (TMS# 426-11-00-005), JAMES ISLAND, CHARLESTON COUNTY, TO

THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.

- 2011-126** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1263 HONEYSUCKLE LANE (0.24 ACRES) (TMS# 425-16-00-097), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-127** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1539 HUNLEY AVENUE (0.48 ACRES) (TMS# 425-04-00-030), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-128** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 655 NORTH STILES DRIVE (0.44 ACRES) (TMS# 454-01-00-128), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-129** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1656 RELYEA AVENUE (0.33 ACRES) (TMS# 426-05-00-048), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-130** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1331 SECESSIONVILLE ROAD (0.55 ACRES) (TMS# 427-02-00-068), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-131** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1623 SECESSIONVILLE ROAD (2.00 ACRES) (TMS# 427-00-00-075), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.
- 2011-132** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 766 STEBBINS COURT (0.47 ACRES) (TMS# 426-07-00-100), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.

2011-133 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 741 TENNENT STREET (0.35 ACRES) (TMS# 454-01-00-115), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 12.

2011-134 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 366 WOODLAND SHORES ROAD (0.50 ACRES) (TMS# 343-11-00-106), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 1.

Mayor Riley said, "Okay."

Councilmember Mitchell said, "Can we take five (5)?"

Mayor Riley said, "Item five (5) is up for second reading. Is there a motion?"

Councilmember Riegel said, "I move that we take Item five (5)."

Councilmember Alexander seconded the motion.

Councilmember Gregorie said, "The reason why I wanted it separately was because at our last Council meeting, I had asked Planning to look over some of the recommendations for the buffers and Tim and I did talk today, but I just wanted him to put the explanation on the record, if possible."

Tim Keane said, "The ordinance in your packet tonight is the ordinance we are also recommending is also the ordinance the Planning Commission recommended. You'll remember at a couple of meetings ago, you had the suggestion to amend the ordinance to require mitigation for the loss of buffer within certain areas on Johns Island, for that mitigation to occur on public properties on the Island. I went back and got a little bit of education on the history of this and it's a product of the Johns Island Community Plan which recommended that on Maybank Highway, on Johns Island there are certain areas of the Island of that Street that we want to take on a character that's more town like in appearance in a sense that buildings would come closer to the street, to be wider side walks, on street parking, those kinds of things, more town-like in its character. In other areas of the street that we want to be more like the country where buildings are further from the street, where there's more landscape up by the street and that type of thing. That's where the ordinance came from; it came from the public charette on Johns Island and the Community Plan for Johns Island. We adopted this ordinance to be consistent with that element of the plan, so, there's no mitigation necessary. What's being recommended and what's part of this ordinance is what we want and what we're asking for property owners and developers to do, we're making legal and permissible what the plan says, we as a community want on the streets, so there's no mitigation necessary. So, we're recommending the ordinance to you as it's in your packet tonight and what you voted on first reading a couple of meetings ago."

Councilmember Gregorie said, "Thank you."

Mayor Riley said, "Thank you."

Ms. Turner Maybank said, "There is a motion already, Mayor."

Mayor Riley said, "Is there any further discussion?" The Mayor called for the vote.

On the motion of Councilmember Riegel, one (1) bill (Item K-5 on the agenda) received second reading. It passed second reading on motion of Councilmember Alexander and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Alexander, the rules were suspended and the bill was immediately ratified as:

**2011-135 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE
CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE
BUFFER REQUIREMENTS FOR CERTAIN ROADS ON JOHNS ISLAND**

Mayor Riley said, "Next, is an ordinance establishing a process whereby the City of Charleston Mayor, and City Council will engage the community one (1) year in advance of any plans to materially change the operations of the new cruise terminal to be constructed at the north end of Union Pier.

Councilmember Mitchell made the motion to approve Item six (6).

Councilmember Lewis seconded the motion.

Mayor Riley said, "The motion has been made and seconded, is there any discussion?" The Mayor recognized Councilmember Seekings.

Councilmember Seekings said, "Mayor Riley, members of Council, as you know I took this ordinance up at the last meeting. I voted no and I just break the suspense for my comments, I'm going to vote no again. I'm going to vote not again for many of the reasons people urge us to vote yes tonight and I'd like to point out some historical perspective on this. I suspect that not everybody came tonight to speak to this Council in either opposition or in favor of this ordinance, actually read it. We all have, that is our job and we take it very seriously, I can assure you, none more than me. So I went and read the ordinance again, I've done it many times and when you look at Article 10 Section 29-283 (1) Findings of Fact. It says at the very beginning, that the City Council unanimously supported and approved the Resolution on September 14th 2010 in support of the new development of Union Pier and relocation of the passenger terminal to the north end of Union Pier. That, ladies and gentlemen in this chambers and my fellow council members is a fact. We did that. In order to get a historical perspective, politically, on that, I went back to the minutes of that meeting, and I have read them. I would like to just point out a few things before I pass my vote tonight, if my fellow members might indulge me. In those minutes are reflected some of the following statements. This one particularly took it. I think the focus of the scope of things and consistency is important here. I'd like to remind this Council, that about three or four months ago now, we asked the Port, which is a business, to come to these Council Chambers and present us their plan for Union Pier and for the Cruise Terminal Building. They took our suggestion and in fact, during the course of those conversations, there was a suggestion that they move it north. That suggestion came from this body. They left with their consultants, spent

their money and based on what we asked them to do, they did it. For tonight, this was of course last year, in September, for purposes of why we are here, we have asked the Port to do something. They've come to us, not once, but twice, and they've listened to us. That should give people some solace for the future. Now, this, then again, being a year ago, is about Union Pier and the cruise terminal that is what we'll be asked to resolution tonight. We've already given our tacit, if not expressed, approval. We asked them to do something and they did it. We, I think, however, need to remember, as we go forward, about regulation and the City's ability to regulate the transportation industry. I would ask this Council, as we think about going forward, that we be consistent, we regulate every piece of transportation in this city ad nauseum. Those Councilmembers who have come long before us, have done so. Mayor your comment, again this was a year ago, I thank you for reminding us about our political and human morality. People will speak about what we do, if it's wrong, going forth. And your comments, you said, future people come before us, they will ask us to be consistent. If we're going to give anybody a free pass, in terms of regulation, we've got to do it for everybody and we don't. But I don't think that's what we're here for tonight. What we're here tonight, is to tell a business, we've asked you to do something and you agreed to do it, but that was the Ports Authority. Now, where do we go from here? I don't know the answer to that, I don't think any of us do, but something, I'm not sure what it's going to be, but it will be something, it will come before us again. And I believe the gatekeepers to the City, the community, the history, the balance of all of the things that we've talked about, we're going to have to go forward and think about whether we, as a City, can do things to get this Council, this community, and certainly the people being here tonight, and there are a number of them, as you recall a year ago, comfort that we are doing the right thing, but we have to be consistent. I from my seat, have some concerns, certainly about the cruise industry, how it fits into Charleston going forward. I have deep concerns about the scope, scale and the like. I ran for the seat on the proposition that we would not let the government get in the way of business. The Port is a business. We can't get in the way of it, but we can support our community going forward, by looking at it. I don't love this resolution, but I don't like the fact that they're making the Port, as a business, come back and forth all the time, asking them to do something again and again. So, I'd ask this body to think about it. I commend Councilmember White for his hard work. I met with a lot of people, not as many as he has. We've got to be careful, we've got to be consistent, and we've got to go forward. The thing we do tonight is to determine whether or not we meant it four months ago when we said, come back to us with a Union Pier Plan. If we meant it, let's say it. Then let's talk in future about what we were going to do with Carnival and what we're going to do about any of the cruise business that wants to come here. How we, as a City, will address the scope and scale. Those were my comments a year ago, before I knew anybody would be sitting in these Chambers. Fellow Councilmembers made some more comments and I'd like to point them out. One Councilmember said, I've heard the desire to limit the size and scope of the cruise ships to make sure we don't allow for the deterioration of the quality of life of residents, which obviously I very much support. These issues of the cruise industry will probably come before this council again in separate matters, in smaller pieces. I'm not writing off size, scope, and mass of ships for a number of passengers or any of the other concerns. Let's take care of this piece of business first. And in the end, we voted as a body to support the union pier plan. I along with 11 sitting around me and you Mayor voted unanimously, largely based on comments that I made and I meant. A year later, I was away this week, and while I was away, I got a letter in the mail about this issue. I'd like to read this letter, I'm not going to say who wrote it, but this is what the letter said, the vote won't well funded majority opposition you, this is speaking to me, have voted to support,

opposes not only cruise ships, but all shipping in the City. The anti-Port objective, you have subscribed to displacing a greater portion of the Port's Coastal Handling facilities thereby an ever changing list of issues demanding from environmental health concerns to traffic, land management, to the character of the City. The hypocrisy of that argument has apparently swayed your vote, was obviated by the notion of environmental concerns and eliminated only the cruise ships to a mere 4,500 people. The plan we have thus supported would however serve two dangerous objectives. It would establish debilitating limits on the size and frequency on all shipping in Charleston and it would benefit affluent constituents who are unimpressed by economic benefit of the Marine trade or impressed by self serving opportunity to develop privileged gentrified waterfront. I'd ask you to reflect on the errant force changes that the rhetoric of those with whom you have sided. Now, a word comes to mind. A letter to that effect following the comments that this body made a year ago, is outrageous. It's outrageous. There's not one person in this chamber, who is anti-Port, who is anti commerce, who is anti job or who is anti anything. We're all for something, and what we're for is for Charleston. And we've got to do our job. Our job is to be for Charleston. You've heard a lot tonight about economics and the economic engine that is the Port. I would suggest to everybody in this room, the biggest economic engine in this City, in this County, in this State and probably the Southeast, is Charleston. It's the name Charleston, the brand Charleston and the City that we're living in right now, right here. It's the biggest economic engine we have and we can not do damage to it to the benefit of one over another. That would be a huge error. It would be a huge error. I believe we're on the precipice of doing it. We're on the precipice of doing it and the thing has gone beyond where it should be. It's gone well beyond where it should be. Now, while I was away this week I didn't have access to my telephone, but I did have access to the internet and I read the newspaper everyday and I read with some interest the commentary written by my state senator, who I voted for Chip Campsen and he brought out some pretty good points that I think we should all consider as we go through this debate and about what we are here for tonight, to give a second reading to an ordinance. He says, if you didn't hear it's used to utilize cruise ships, which it clearly will be, something akin to the Historic Charleston Foundation's proposal should become binding on the Port. This should be doable since and I believe what he says is true. All parties publicly support 104 cruises per year limits. Some just question whether it can or should be binding. I share in that question. What can we do about it? He suggests a couple of alternatives that I went and looked up to see if he was right. He sees several ways that could become binding. First; South Carolina Code Section 6-29-770 A. Being in this position of a City Councilmember and as a lawyer, I went and looked at this South Carolina Code Section 6-29-770 A and you all may be surprised as to what it says. What it says is very clearly is that; *Agencies, departments, and subdivisions of this State that use real property, as owner or tenant, in any county or municipality in this State are subject to the zoning ordinances.* That means that any governmental entity in the City of Charleston is subject to the City of Charleston Zoning Ordinances. What that does to this debate, I don't know, but it puts out there the fact that the Zoning Ordinances are available in the City and in this debate. Secondly he says we don't do it through code. We can address that matter through two things; contract, that's a pretty good idea, contract, that's an agreement we all agree on. The number one form that's been floating out there for so long, why can't we agree. Why 104 can't be put on paper. I know there are responses to that, but I believe that that alone would take a lot of this debate away. The last is accomplished by legislation. Now, legislation is not legislation of this body, its legislation down the road or up the road in Columbia. Do we as a City want to lose control of this issue or of this debate? Do we want to lose control over local issues, lose control of our City, of our business, of our Ports? Do we want this to go to Columbia, for

legislative purposes? I don't, I don't. I believe we need to settle this here in these Chambers amicably and properly. So, the opportunity that's handed to us, through all this, is to keep it local. Now, what about the ordinance that is before us. Why am I voting no. Am I anti-Port? Am I anti-business, as the letter that was sent to me suggests? It's ridiculous, it's ridiculous. No. The legislation that the ordinance is proposed sets out some pretty good ideas and it basically says, look let's come to an agreement and if we don't we'll do something about it. The question is, what do you do about it? If you pass an ordinance, it should have rights, responsibilities, and remedies. What rights and responsibilities and remedies does this ordinance, as those who spoke so passionately in favor of, have. Either, the violation of this ordinance, we will likely pass it as I count around this table, what are we going to do about it. That's not an ordinance; that's not a law, it's a memo to ourselves. Well, we've got the memo, ladies and gentlemen. We know this is an important issue; it's a very important issue. It's an important issue for everybody. Economically, socially, and the like, we are a community that must stay together because the biggest economic engine is us, it's Charleston, we are all Charlestonians. If you leave Charleston and you tell them you're from here, what do the people say? One or two reactions: I've been there, and I love it or I've heard it's a great place and I can't wait to go. The unfortunate thing is now a little bit, you're hearing, well I've heard about some dissension down there. It's a bad thing for us. We're damaging the brand. This body has options. So, what about this ordinance, is this our only option? Well, it's not. The one option is to do nothing. We could do nothing. We could let this go on and on and allow the process. We could do something which is pass this ordinance or we could take in information. We've received zero memos, zero advice, zero counsel from anybody about what our options are. So I would say this, while you've got up to this part where you recognize you need to compromise on things, if we're going to compromise on something let's make it good. Let's make it right. If we have this plan, this isn't the end. It's not even the beginning of the end of this debate. It maybe the end of the beginning, but we're going to be talking about it again, we need to settle this finally and completely and not in a negative angry way. When I first got elected, before I sat in this seat, in December of 2009, there was a meeting. Mayor, you spoke there, you were all there, some of us were just elected, to talk about this issue. I sat there, at the back of the room, and looked out and said, why are we talking about this again. It was the cruise ships. And I want to keep talking about it until we come up with some reasonable resolution. I don't believe tonight, voting in favor of this ordinance, does it. We need to find a way to do that. So, what I would ask this body to do, is defer this vote tonight. Think about it. Take information, there's lots of it out there, people have spent a lot of time, maybe we do nothing, maybe we pass this ordinance, maybe it's Historic Charleston Foundation's proposal or a variations thereof is the right thing. Let's hear about all our options. Because I don't think we've done that and it would be precipitous to go forth and do that. All this issue is about in the end is our brand. We have told the Port we support them in the building of Union Pier. We did build it. We've done what we've been asked to do. I would simply ask that this body to not act precipitously. Think about it, let's get this debate closed. I move Mr. Mayor that we take this ordinance tonight, we defer it, we take information, we consider our options and we bring it back later. Thank you.

Councilmember Gallant seconded the motion.

Mayor Riley said, "Okay thank you. We have a motion on the floor to defer, is there a second to that?"

Ms. Turner Maybank advised that Councilmember Gallant seconded that motion.

Mayor Riley said, "This first motion on the floor was to give the ordinance second reading. Now there's been a motion to defer which was in order and that has been seconded." The Mayor recognized Councilmember White.

Councilmember White said, "Let me say a couple of things, and I know we're debating the deferral, but it's a part of it, so I'm going ahead and make a couple of comments no. One thing is when we read the Mayor's recommendation on the ordinance, at first reading, many of you had just gotten the Historic Charleston Foundation's ordinance and you really didn't have a chance to digest it at that time, nor did I. However, now I have and I read it multiple times and I've written all over it, written and highlighted and so I've certainly thoroughly digested it. One of the things, and I'm not an attorney, but one of the things that I do know, that as I read it, I think the expectation is that it use these zoning laws in order to legislate and regulate the cruise ship industry and I again am not an attorney, but my guess is, if we were to pass it and get sued, which we would, it would effectively end up being said, I think, by a judge and jury that we are simply trying to use zoning as a way of limiting interstate commerce, which we cannot do. Which everyone in this chambers knows, and we've said, it a hundred times. But what I would also point out, is that zoning laws are intended to limit things like the type of business. Not the amount of business. I don't think anyone in this room would ever like to see zoning law passed that limited the number of legal billable hours for a law firm, or the amount of loans that a bank could prescribe. So, the point is, zoning is intended to limit types of business, it's not intended to regulate the amount of business. I know that we've contended on a number of occasions even to say that we are pro business and those who are opposed say that they are pro business, they don't intend to limit any industry and deteriorate it. Let's just talk about the future of what's going to occur should we pass the ordinance from Historic Charleston Foundation. We pass it, we would get sued, because the State Port Authority would have no other expectation other than sue us, and that would then go through the process and as it goes through the process, it would continue to become a nasty and even more nasty fight. We would continue to deteriorate the Charleston brand even more so than the bill board that currently sits on 526 is doing, or I-26, excuse me. I want to point out to you all, one thing and my colleagues on Council. It was commented by Councilmember Seekings, that the Port Authority listened to us and they acted, and they moved forward. They did that because we're a partner. As soon as we become an opponent, they no longer will listen, no longer will they react in any way that's positive to us. But if we choose to be a partner with them and we work together, we will come to an amenable conclusion to all of this. Compromise is something that we all have to accept and if we accept the fact that we continue to try to legislate and regulate things that are not in our purview and we continue to try to interject ourselves into what is effectively in the State's purview, to legislate a State agency, we will continue to just simply go down this road forever and ever, amen. I think it's incumbent upon this body to not only not defer, but we need to go ahead and bring this to a head and come to some final resolution. Lastly, I would say that I have spent a lot of time as Councilmember Seekings stated, hundreds and hundreds of hours I have spent on this issue and I have met with everyone who's asked me to meet with them. Opposed or in support of. I've listened to every single person and I've taken it into consideration in making my decisions on how I would act. Effectively, I'm telling you that I'm going to support the Mayor's ordinance because I believe it's something we can do, I believe it's something that does put in a reasonable expectation for being able to move forward and managing the cruise ship industry and it

does it in a manner that is a partner, not an opponent, which is where I want to be in this fight and that is be a partner with one of the largest economic engines in the City of Charleston, and certainly the State of South Carolina.”

Mayor Riley said, “Thank you very much.” The Mayor recognized Councilmember Hallman.

Councilmember Hallman said, “Thank you Mayor. I find myself agreeing with both Councilmembers White and Seekings. I’d like to see us work in partnership with the State Ports Authority. I’d like to defer this to give us the opportunity to do so, but frankly to be painted as anti business or anti Port simply because I like reasonable standards, to me, is to extrapolate my 8:00 p.m. curfew for my twin daughters is limiting their creativity. My thought is, that the law suit should it happen, is not something we should be afraid of. The City has never been afraid of law suits before, you can ask the former Town of James Island that. I don’t understand why we wouldn’t consider the Historic Charleston Foundation’s information that they’ve offered in their proposed ordinance, as well as the other information that we have, by working with the State Ports Authority. If we propose this type of limited oversight and if we did this to the horse drawn carriage industry, I think we would make Palmetto Carriage Company’s President, Tom Doyle the happiest man in the City of Charleston. I will vote to defer.”

The Mayor recognized Councilmember Gregorie.

Councilmember Gregorie said, “Mayor Riley, just a little earlier today, we went over our budget workshop and I think as a part of that workshop, you reminded the mission of this City and you also talked about specific goals. Some of the goals that you talked about all involved quality of life issues for the citizens of the City. I say that to say, as we talked about it with regard to our budget, and how our budget works. So as we talk about our budget and our mission and protecting the quality of life of our citizens, I think we would be remiss in that regard if we don’t take this issue and deal with it also as a quality of life issue; and protecting the quality of life. I too agree with my colleagues. I voted against this and I do think that we need to defer this, just listening to the citizens of the City, both sides, I think we own the citizens of the City more dialogue on this issue. It is divisive. I don’t think the current ordinance, as written, gives us anything. It’s not enforceable, as you know, I’ve been the lone person, since September of last year talking about the need for having some binding commitments. It is great to finally hear other voices on Council saying the same thing. We’re moving in the right direction, but I do think however, we need to defer this matter because the current second reading of this ordinance really doesn’t give us anything that we don’t have already within the resolution that was passed unanimously by this body. I would strongly suggest that we defer and as I did the last time we had this discussion, that we strongly consider the proposals by the Historic Charleston Foundation and any others, because I think it’s only fair as a body that we represent what the people want; not what individuals want. We all are about Maritime, we all understand the importance of the shipping industry in this City. As I said, it at the last Council meeting, when we discussed this very point, my family, my entire family is involved in this industry, for all of my life. So, I really think that we should defer this second reading, we should bring parties together and have further discussion, because what we have before us, that we’re about to vote on, it’s not binding, it doesn’t give this City any kind of protection with regard to quality of life for it’s people. If the SPA decides today that they’re not going to do anything, they’re not going to follow this if we pass it. We have no recourse. There’s absolutely nothing that we can

do, because there's no teeth, there's no enforceability and there's nothing binding at least the way I review it. No one wants to cap business. No one wants to cap commerce, but we need to have some reasonable binding standards, so just in case, you're not here, Newsome's not here, that we do have something that we can work with. Right now I don't think the current piece that you drafted and we're about to vote on for second reading, goes far enough. We need something more binding. I've been consistent since September of last year and I still think that we need to do the same. Thank you."

The Mayor recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you Mr. Mayor. I have to speak from a slightly different perspective on this, and address the extraordinary amount of misinformation that has been put forth in this matter. I listened to a lot of verbiage that is flat out inaccurate coming from citizens who stop me in the grocery store, or letters that have appeared, and if I hear about dumping sewage in the harbor one more time it is flat out erroneous, we have the laws to prove it. The Coast Guard has visits on the ship to prove it. It's not taking place. If I hear the term 'bumper fuel' used one more time. The ships are not burning bumper fuel. I will say that the standards for the fuel are about to change, bumper fuels are different from what these ships burn right now and how are these things mitigated by talk of moving these things to Columbus street, the pollution, dumping sewage in the harbor, these things are not resolved by simply moving a terminal up to Columbus Street. This Union Pier project came before this Council, we voted upon it. There were many public hearings. Many of them held by various bodies. Really we heard very little from the community at large and all at once it began to percolate. There was no instantaneous, no this is a bad idea, no outcry from the community. This took a while for everybody to sort of get their ducks in a row. I look back to Charleston Place and it was fought tooth and nail. What would we have done, if a drive up motor lodge had been put in place instead of Charleston Place. The City would be a vastly different entity. In terms of misinformation, I think what's kind of put me over the edge, was an editorial that ran in the Post and Courier recently by one of our State Senators and he called into question the very area in which I grew up. That was the Northeast, what quality of life is often sacrificed on the altar of economic development and he talked about Detroit, Cleveland and that whole corridor. I grew up in coal mining, steel country. Those cities come about through the geography. Charleston is nothing like it. We do not have coal, we do not have iron ore. In reference to Cuyahoga River. The Cuyahoga River burned in 1969 that's 42 years ago. That's before EPA standards. We're not comparing apples to apples in this particular editorial. We're not even comparing apples to oranges, it's more like apples to T-bone steaks. Vastly different. We heard some things this evening about bigger ships, over in the Panama Canal, the ships that will be coming forth to do business in the cargo and container industry and I see a very clear foreshadow of things to come if we are to put restrictions on the Port and to dictate the type and number and size and scope of business they may engage in, the first time somebody doesn't like the size of the container ship, we're going to be right back here discussing it. The logo is too big, it's too high. You think that this is not going to come about over a period of years, I think you're very naïve. Define what is large. I went down when the Queen Mary came in. That was a big ship. In my opinion it was also a gorgeous ship, it was beautiful to stand there and look at its magnificence. I did not find, yes it's large, but I found it beautiful and I find ocean going vessels absolutely gorgeous to look at. Union Pier, if the Union Pier plan is to be great and modified the terminal moves, that's going to become a land grab provided developers.

There's absolutely no question. Tonight I absolutely cannot vote to stifle commerce, I would ask this Council that we have no jurisdiction over a lot of these things. We don't have any jurisdiction to what happens twelve miles out of the harbor. Regulating a cruise ship that has a dispersal pattern twelve miles out, they do that and it's documented and I found it kind of interesting when we had a letter to the editor from someone down in Savannah talking about their Port and how we really needed to put restrictions on ours. Savannah is waiting to eat our lunch. So, I remind everyone of that. Our Port is losing ground quickly and I want to do what I can to extend that and to support the industry that has put voluntary controls on itself."

The Mayor recognized Councilmember Gallant.

Councilmember Gallant said, "Madame Clerk, members of the Council. I don't think that anybody is here wanting to stymie anything. Let me just make it clear, for me. I've supported the Port in every single thing since my twelve years sitting on this Council. And there's nobody's opponent, it's recorded in scripture, in the multitude of council there's wisdom. We're at an impasse right now because there are several of us here that believe that there's some more we can do to make this thing work well. Well let us not forget, that at the bottom of Calhoun Street there were two, or three hundred African-Americans that lived in what we called the projects down there. Nobody fought for them. When the contamination came on the ground and they said, the ground was contaminated, it was condemned. Two to three hundred black folk were moved out of there by zoning. I was held to a standard because of the magnolia development. The largest development in my district two years ago; the people were afraid that their taxes were going to go up and I went to the Green Hawk Group and I said, we're going to do something to make sure that these peoples taxes don't go up when this development takes place. And the people did not want a handshake agreement. They wanted something in writing. Some of you sitting on Council that voted with me and were here when that happened, we came up with the stay put initiative. A quarter of a million dollars was put into an account so that if someone in that neighborhood could not pay their taxes down the road, it would be managed by the neighborhood company. That was the agreement that they wanted in writing. Well, I got a call a couple of weeks ago, somebody read something was said, about, written about me in the paper about how I voted on it. It says we're going to hold you to the same standard. Your citizens are going to hold you to the same standards. We just want to make sure that nothing happens to us. Well, my son's great godmother Dora Morrison died after she moved out of there. They were all displaced, she died two months later. She was 84 years old. Ms. Mary Elise who was her neighbor, two months after she died, she died. There was nothing there to protect them. So, I got a call from one of her grandkids, who said, you have to hold the same standards, the same standards, for all of the citizens that just may not understand what's going on right now. It's not that you disagree or you want to stop commerce. I think right here, if we're going to be wise as serpents and harmless as a dove, then we need to come together to the table and say okay we're at an impasse. Bring the Ports guy, bring the community together and say okay, let's make sure this is right. That's all I'm saying. I'm not against anything. I'm not stupid. I know that the Port has a great impact on this City. My in-laws work out there. I have family members that work out there. That's not what I'm against. I was called down by a family, to a higher standard. Because I'm a pastor, I have to answer to a higher standard. It's not against anything. I'm not against anything. It's just like when the quarterback gets in the huddle, he calls the play, let's make this thing work guys. The end does what he does, the God does what he does, the center does what he does and the plays work. We're just trying

to get together to make something work, not stop anything. If we're going to be Charleston the way we are, well let's show the rest of the world that we can come together, even in an impasse, it says he we got back to the table, we've rolled up our sleeves, you know since we're making this thing work, everybody is happy. Nobody walks away angry at anybody, the Historic Charleston Foundation don't hate the Ports, the Ports don't hate the Historic Charleston Foundation. Come together as people, come on man, we can do this, we can pull this off. That's the only reason I'm asking for the deferral. Hey, let's get back to the table and show some love. Don't talk love, let's show some love. It's easy to talk a good game about love, alright? And the people that got messed were black folk. I don't hold anything against anybody. That's my story and I'm sticking to it.

The Mayor recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you Mr. Mayor. Councilman Gallant, I feel the love. Councilman Seekings, I have great admiration for you and your legal advice for that all day long and I admire you for the comments on the zoning and frankly, I think that's just back door to getting where some of the opponents to the cruise ship want to get to, as far as more information, more facts, my God, ad nauseum. How many months of public hearings, how many months of public input. How many hours before Charleston City Council, how long is this going to go on? I think we've heard all the facts. I think we've had Captain John Cameron who spoke, Charleston Harbor Pilots. Captain Cameron, many of you might not know, was the Port commander in the harbor in New York during 911. He was responsible for removing thousands of people, New Yorkers off the Island to safety. If I can't believe Captain John Cameron, then I'm not sure where we are in life to be frank with you. Quality of life, Councilman Hallman, quality of life. What about the quality of life for the thousands of workers who make a living off the Port. The trucking firms, the stevedores, the ILA, the clerks and checkers, South Carolina State Port Authority workers. What about their quality of life if we inhibit their ability to make a living? Each and every day, those workers buy new cars from dealerships along Savannah Highway. They frequent our supermarkets, Piggly Wiggly, Councilmember Lewis. They eat in our restaurants, they use our tour services. They buy houses, hopefully with mortgages from First Citizens Bank, Councilmember White. So what about their quality of life? Number four, I wanted to make a point is 'brand.' Charleston is a brand; Charleston is a brand? I disagree, Charleston is not a brand, the people of Charleston are the brand. The Councilmen sitting here, Mayor Riley, Vanessa, the people in this room, our constituents, that's Charleston. Not the name, the people of Charleston are what we're all about. That's what we're hearing from. Finally, I'm going to vote against the deferral. That makes not sense. Councilman Gallant wants to feel the love, that'll be more divisive if we defer. More billboards on I-26, what that's all about, I still don't understand. It looks like a big shark's fin. It'll be more divisive if we continue to defer. I trust in Mayor Riley's leadership. Mayor Riley fought the good fight decades ago when you brought Charleston Place to our great city. I trust the Mayor tonight to provide the leadership on this ordinance. I'm absolutely against any deferral. I vote we move past that and let's vote on this ordinance and let's put this behind us and end the divisiveness. Thank you Mr. Mayor."

The Mayor recognized Councilmember Lewis.

Councilmember Lewis said, "Thank you Mr. Mayor. I certainly support this ordinance. I believe this ordinance is a road map to engaging the community and to

anything that takes place with the cruise ship industry, if they decide to change from 104 ships to any more ships. I support this ordinance because the passenger terminal where it's located is the most proper place to put it. I've heard in the past, I heard tonight someone talking about the passenger terminal going toward Columbus Street. Well, Columbus Street has a beautiful Elementary School right down there, across from the Port. What about the quality of life of the young kids? They don't have anybody to speak for them. We're here to speak for them. What other people down in Bayside Manor in the housing projects that don't have the money to have lawyers to craft an ordinance that satisfies them. What about them? They don't have a voice. We are here to be their voice, to speak for them. Quality of life. They have a quality of life just as well the people South of Calhoun Street have a quality of life. We have a mechanism here in place that will protect them, that will engage them, if the cruise lines decide they want to change anything from this ordinance that we have. If the Port Authority decides to renege on some of the commitments they've made, we have an ordinance here that will help us to protect them and get the citizens engaged. I heard tonight about the watch list. Why are we on the National Trust for Historic Preservation watch list? Because the people who spoke negatively about the cruise ships, they put us on the watch list. That's why we're on the watch list. The people south of Calhoun Street do not want the people off the cruise ship coming through their neighborhood, they want a segregated neighborhood and that's just it. That's the facts of life. We need to face it. Can we put limits on how many tours that they take of a home downtown? The streets are congested sometimes when they do tours of homes downtown. But nobody fusses about that, why? Because the people living downtown are making money off of showing off their homes. The Preservation Society, and all them are getting their monies from people coming down to Charleston to take the tour of homes. So, that's not our brand people, let's work with this ordinance, make it work, if there is any renege on any part of the Ports Authority, we have something here that will engage the neighborhood to make this ordinance work. And I think it could work. I believe it would work, but we need to stop saying this thing or this thing, because this won't have any effect, come on, please, come on; 104 ships is what is agreed to. The Ports Authority engaged the neighborhood and everybody in the planning of the terminal. We know what the terminal is going to look like, how it's going to look, but the question here tonight is that the terminal did not need to be south, they want it north of Calhoun Street. I think we are set, it needs to be and I will support this ordinance. Thank you."

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mayor Riley and Councilmembers. I concur with my colleagues Councilman Lewis and Councilman White. You know, I listen and I read all what I've heard tonight and before with all the various talk about the cruise ships and what's going to happen to the cruise ships. I always tell people, this is my home. I was born, raised here, walked these streets of Charleston, played in the streets of Charleston. Back in the 60's demonstrated in the streets of Charleston, was arrested 25 times in the streets of Charleston to make it better for a lot of people here today. Councilmember Waring knows the struggle that we've been through. Now, we're going to hear all these things, we don't want this here, we don't want this. This is the City of Charleston, we don't have a gated community in the City of Charleston, on this peninsula. This is the City of Charleston for everyone. We welcome everyone here. I know the struggles that I went through, but I'm not holding anybody in here accountable for what I went through. I try to make it better for everyone. That's why whites, blacks, and we had everyone working together when we were doing the demonstrating here to

make things better for everyone here. But now we're coming with the separation and we've got to stop it. We're seeing all these things happening today, it's happening for a reason, because we're not coming together as a people. This is why we're having some many problems. This ordinance here, is in place for the future use, that we're putting in here to make sure that if anything happens when we're not here sitting at these desks, that the any Councilmembers here will be able to make some decisions and stop it because this is in place. In the District I represent, which is the Eastside, they don't want it. They say, we have taken enough. We don't want it up in Columbus Street, we're not going to have it. That's what they've stressed to me. They said, Councilman, we don't want it here, you understand? I said, yes I do. They think that they have taken enough. African Americans say they have taken a whole lot. Changes, we accepted it, we compromised, we have the BMW plant there. We took that. When they moved it there, we said, okay, we accept that. We're not accepting anything else. Where it is now, when they come off the ship, they're going to the Market, they're going to the shopping area, fine, it's nice there. All these things are going to be put into place for the traffic. We heard that already. We heard all this, we had all different meetings pertaining to the Port, all these different meeting pertaining to the cruise line, way before. Now all of a sudden, everything is bad. We don't want this here, we don't want it to happen down here. Oh, it's going to be pollution here. The shipyard was here for 100 years. The Naval shipyard, we had more ships than are going to be allowed here. What happened to the environment you were talking about, then? Oh sure, it was North Charleston, but it was in the waterways. So I tell people, you know, we've got to stop it. We've got to come to a point and stop the foolishness. That's what all this is to me, is foolishness. I don't like it. I don't even like it because all we're doing is separating each other. We're separating our selves from one another and causing more confusion to me. I'm going to support the ordinance. The District I represent runs from Calhoun Street to Huger Street and to Mt. Pleasant Street and everyone I have spoken with in those areas, and I'm telling you right, they're telling me to support this ordinance. I haven't had anyone in the District but maybe one or two people, but the majority in that District, between Meeting and East Bay, all the way from Calhoun Street all the way to Huger Street. That's the district that I represent. The neighborhood associations there in those neighborhoods, they voted, and I was there. I just hope we come together and let's move on."

Mayor Riley said, "Thank you very much." The Mayor recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you Mr. Mayor. I would like to start this off in reflecting on a conversation I had with a very good friend and associate, Dan Ravenel. Dan stopped me one morning, in the office, and said, Aubrey, this issue will tear our community apart. That's what we're seeing. We're seeing neighbor against neighbor, friend against friend, family members against family members. All over a ship sitting in the harbor and essentially State and Federally controlled waters. I've heard the arguments and Dan and I sat there and debated. You know, I heard about soot on my porch and I have to sweep it off every morning. Well the first fallacy, there's not a cruise ship in the harbor every morning. The second one is, I don't think you can sweep soot off of anything. It's oil based, it's going to smear. I think Councilmember Wilson hit on many of the disingenuous rumors that had been spread in the City. That's what has taken what began as environmental concerns, which morphed into we want the entire 90 acres for development, which then morphed into quality of life issues, so that the entire issue has become totally clouded and again here we are friend against friend, neighbor against neighbor, civic club against government. But, I'll have to say this, I feel compelled to

thank you everybody that's been engaged; the State Ports Authority, the neighborhoods, the Coastal Conservation League. Thank you as well. Everyone that has been engaged because this is what government is all about. This is where the debate occurs. The debate has been very thoughtful, there is not a Councilmember here that has said, something that is virtually incorrect. We're all in agreement, we want to do the best for our City. What I think upsets me is that we have become so polarized we're not thinking of things that make us a City and bring us together. We have more in common here than we have apart, yet we've allowed so many people to inject falsehoods and rumors to divide us. The brand of the City is important, but as Councilmember Riegel has rightly pointed out, we're a community, we're not a commodity. I think, you know, that's what we have to bear in mind. I respect, greatly, the legal mind sitting here to my right. He has done his research. I'm confounded, however, when I look at the court decision in which the Historic Charleston Foundation has based their argument on, and to cite one section of it that I found completely confusing and seems a bit contrary to what you've read and it says, 'because of the various codes, which local governments may adopt and approve, local variations differ. The legislature has exempted State agencies from local control.' So, I agree, we need more information. However, I also agree with Mr. Applegate, who stood up there and said, this ordinance is a good starting point. It can be a base. It can be amended. I think we all agree that we need to move on. I think we all agree that we need to set some limits, however, I think we mostly all agree that we can not cap commerce. When I read sections of Historic Charleston's bill, I see in there, capping commerce. This is what occurred to me when I was reading that. What occurred to me was one section in there where it would limit cruise ships visiting the City while there were other events. The City of Charleston subsidizes a ton of events in the City. We subsidize them because they're not making money and being in the black. What this ordinance or portion of, and I'm not saying it's all bad, but I'm saying there are bumps inside of it. But what that ordinance would imply is that we've got a festival, we're not making a whole lot of money on it, there's a cruise ship in town, there's a potential of 200, 500, 1000 additional tickets being sold, why are we denying that event the opportunity to end up in the black versus being subsidized by the tax payers of the City? Now, gentlemen and lady, the ordinance that we have in hand is a good base, we can work off of it, we can amend it, we can make it into something else, if we feel like we need to. I believe we need additional information. I believe and I welcome, I really welcome, the State Legislators stepping in. Where have you been for the last year? I've asked them. I recommended the groups in conversations with others and I believe the Mayor even addressed it at one point in one of his addresses that we need to be talking to the State Legislators. We have one here that says that the State is not exempt from local ordinances, yet in a Supreme Court decision right here, it says that the State is exempt. There needs to be some clarity that's determined and I welcome these three State Legislators, Senator Campsen, Senator Ford and Representative Limehouse, who have become engaged in this debate and I would feel that they would take it to the State House to give us some clarity, or I as feel Councilmember White has rightly pointed out, we will enter into lawsuits. There are the three things that I think that I would like to pass on to Council that I believe we should do. First is approve the ordinance, not defer it, use it as a base to move forward. The second thing is, that I support our acting in conjunction with the lawsuit. The lawsuit simply is saying that Carnival is in violation of our local ordinances. That's all it says, that's what it's about. It has nothing to do with the City's ability to restrict anything. Either in violation of our ordinances or they're not. That's what the question is. The third thing, again, I again thank the three legislators who have decided that they want to be engaged. I would ask them to engage the general assembly to clarify, for the City of Charleston, so that we don't have to face lingering

legal battles as to where do we stand? Is the State exempt, or is the State not exempt for local ordinances? Clarity is what we need, however, I would say let's move forward right now with a base for an ordinance that we can amend and modify in the future. Thank you."

The Mayor recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think a lot of the misinformation that's going about is coming from this body, because I'm hearing so much stuff that it's not factual and it has no basis. But I don't think that we should be holding our citizens to a lesser standard than we hold ourselves. I know of no organization, including a union that would take a promise and a handshake. That's in essence what we're doing. We're taking a promise and a handshake with no protection. I know I've said, that before. But for me, all this other stuff that we're talking about; I'm talking about having something binding. A binding commitment, not a handshake and a promise. Something so that when all of us are out of here, we can use. Right now, I don't think we have that with this current ordinance and I just think that we should just simply try to pull all the various recommendations together with regard to binding agreements and come up with something. None of us in this room, no one in this room would have their roof fixed without a contract. That's all we're talking about here. All this other stuff folks are talking about, I don't know what you're talking about, but from the beginning until now, I'm still saying we need something more than a promise and a handshake. ILA would not take a promise and a handshake from SPA, why would you expect the City to do the same thing? That's all I'm saying here. We need a binding commitment to protect the citizens of the City. Let's make it simple, all this other stuff, I don't know what you guys are talking about. Articles saying we want to move this here and there, that's not what it's about. It's about just having something binding that protects the citizens of the City, just as anyone would do in any kind of arrangements that they get into. All this other stuff, I'm not sure what you're talking about. I'm just talking about a binding commitment that protects the citizens of this City."

The Mayor recognized Councilmember White.

Councilmember White said, "One final comment, I meant to make earlier and it came back to me as we were all sitting here talking. I think everybody in this room has said, whether they are in support or opposition or otherwise, it's all said, we support the Port, we support it's initiatives, we support it growing as in economy and jobs and all that, okay? But, I want everybody think about as long as this debate continues and as long as this banter goes back and forth, don't think that when Mr. Jim Newsome goes to try to steal business from Savannah, that the person that he's going to go try to steal business from, the first question out their mouth is, can you guarantee me I'm not going to get sued? If you can't say that, don't think that this is not having a negative impact on the opportunity for the Port to grow. I recognize that the cruise ship and all the issues that are there, I recognize it, again I've had hundreds of conversations, I get it. But if you don't think this is having an impact on the overall business, I would promise you, you are wrong. That's all."

Councilmember Mitchell said, "I call for the question."

Mayor Riley said, "Councilmember Waring, then, unfortunately, I'm going to speak."

Councilmember Riegel said, "Unfortunately, I'm starting to lose that feeling Mr. Mayor, where's member Gallant, where's that feeling Councilmember Gallant?"

Mayor Riley said, "I just have a few words."

Councilmember Waring said, "To our Mayor, to our Councilmembers, I really appreciated hearing some of the oratory here tonight. I even heard something about us being against one another. I think you're way out of line when you're mentioning that facet. No, you see, we were elected to come here to vote to make motion and to vote for various things that would be beneficial to the people whom we represent. We've got a fiduciary responsibility. There's going to come a time when issues such as this would come up in our Council meeting that you're going to vote contrary to your seated partner. In my judgment, that's the way it's supposed to be. That's why I marched in 1963, to be in a position of that nature and I'm going to take a stand. Now as far as I'm concerned, let me tell you something. I was in a meeting last night and that meeting lasted from 7:30 p.m. to a quarter to 11 p.m. Guess what kind of meeting it was. A church meeting. But let me tell you something, a lot of church people who came off of the streets didn't leave the street outside. They carried it inside. Councilors are different, we are men and the lady here, that is to take a stand and there are sometimes that you're going to take a stand that doesn't coincide with your desk mate. What you need to do to have the intestinal fortitude enough to say desk mate I can't go with you on that this time, maybe the next time. But this time, and I'm cutting mine short in this because I had enough meeting last night, this time I'm going with the Mayor, our Mayor Riley on this one, because I'm getting the few feed backs that I get from my constituents is that there are those who really want a gated City and I'm looking at the economic status of the United States and which we are included. The economic status of the United States right now is kind of shaky, but I wouldn't change the United States for no other place in the world, just like I would not change here tonight from my position relative to going along with the Mayor and I feel that as I've been told, and on the news and things of that nature, that things are bad everywhere. What would we have to compensate for the economic condition that would be implanted here in the City of Charleston if we didn't have that. Thank you Mr. Mayor, that is all, I'm going along with it.

Mayor Riley said, "Thank you, members of Council, ladies and gentlemen, citizens of Charleston. The in life, our goal is to seek the truth. Private life or public life. What is the right thing. Sometimes, that's made more difficult by what is thrown out, the information, or agendas, but that doesn't lessen the responsibility for us to find the truth. This debate started almost two years ago, as I mentioned before at the Charleston Museum. South Carolina Coastal Conservation League's Executive Director showed a picture of a cruise ship killing a whale. A clear impression made to everyone in the room, was that a cruise ship killed a whale. Which makes the cruise ship a very bad thing because all of us would feel really bad if whales got killed. Well it turns out, that was a picture of a cruise ship that had hit a dead whale. The whale had been dead for five days, but the Conservation League Executive Director showed that to the audience to create an untruthful impression. Now that was almost two years ago. Last night, I'm at the Charlestowne Neighborhood Association and a very fine man, representing the cruise ship committee of the Charlestowne Neighborhood gets up and he said, you know first of all, the report on the lawsuit, people are saying, and this is a lawsuit against the Port and all that, this is a lawsuit brought to determine if the City has the power to regulate cruise ships, that is what he said. Completely untrue, the lawsuit is a complaint

against the cruise ship and against the Carnival. It sues Carnival. It says Carnival is acting illegally. The gist of the complaint is that Carnival vessels cannot legally call at Union Pier because they violate the City's zoning ordinance, they discharge pollution into our waters, they constitute a nuisance, their logo is a violation of the sign ordinance, their presence blocks view corridors, they violate the height ordinance, the lawsuit, all the claims of the lawsuit are directed against Carnival. The lawsuit that this gentleman talked about is the suit against Carnival, a wonderful corporation that was doing business in our City. A ship that the Ports Authority encouraged to come, a company the Ports Authority encouraged to come, and just last night the Neighborhood Association is being told they just brought a lawsuit to prove what the City could do. The lawsuit does not allege that the City has authority to place limits on the number or size of cruise ships, but has failed to exercise that authority, the lawsuit does not ask the court to order the City to regulate the size and number of cruise ships or anything else. Last night, after almost two years, another piece of untruthful information has spewed out of this most unfortunate effort, driven by, I'm not sure what. Fueled by a whole lot of money. You don't get a billboard without a lot of money. You don't get whatever it costs the Committee to Save our City to put a full page ad in the Post and Courier. A lot of money, driven, and directed to do something in our City that an overwhelming majority of my citizens, the citizens of the City of Charleston, think is a good and decent thing. That's a City that as a maritime City for three hundred years has a modest cruise activity in it. They said, that Charleston Harbor would be polluted. Then Councilmember Alexander, Councilmember Wilson, Councilmember White, Councilmember Mitchell and others go on the ship and see. They have a sewer treatment plant on the ship. The waste water does not get released; it is 12 miles out and 6 miles underway and being released at a gradual rate, so much so that EPA said, it is not measurable. They were saying that the cruise ships were going to pollute the Charleston Harbor. And then the National Historic Trust, this was an orchestrated effort to get the National Trust to seek to embarrass the City. Now, why would anyone from Charleston, to say nothing of the Preservation Society, would want to ask a national organization to do something to embarrass the City that's not true, I do not know. That's beyond my ability to imagine. But the National Trust statement said, we were put on the watch list and they went out and what they did is, they found two Board members, normally the National Trust, when they pick the endangered list, that's a staff decision. The Board has nothing to do with it, but they found two Board members to pressure the new Executive Director of the National Trust to put us on the endangered list. Well, you didn't quite, she put us on the watch list. But what did their press release say, why are we on the watch list? Because Charleston is supporting unabated growth of the cruise industry. Unabated growth. This year we've got 89 ships, you now how many you have next year? 84. They're building one berth, that's not any growth, not unabated growth, they're building one terminal capable of handling the size ships that we have now and that's all. And they get the National Trust for Historic Preservation to put us on a watch list based on something that isn't true. They have created fear of an enemy that does not exist. The chief complaint in the community about the cruise activity was what? It was the traffic. So, if a plan is developed then that goes away. When the new terminal is built, my dear colleagues and citizens of our community, people will hardly know when a cruise ship is in town. The traffic that will come to the new terminal is less than what goes to the College of Charleston game. It's less than what goes to Gaillard Auditorium. It's far less than what goes to the River Dogs game. It's far less than what goes to Johnson Hagood Stadium. A modest amount of cars, that easily will be handled by reopened streets and the beautifully landscaped parking lot. Now the Ports Authority is our partner as Councilmember White said. And what have they done other than working hard to create jobs and employ people and

build up our economy. What have they done? They started and said, we need to fix up the passenger terminal. We want to hire an engineer and they came to us and I said, I think you all need to get architects and start a Union Pier Plan. They said, okay, well look we think this is a national thing and you ought go out and make it a national effort and they did that. Then they picked the most expensive group, from just getting an engineer to work on some stuff to look at that part of Union Pier. Then they had community input, they said, you all, look, they had over a hundred meetings for the citizens of our community. Then the community says you know, that plan of redoing the current terminal, you should move it up. So, they go back and pay the crowd they hired a lot more money. They study the plan and they moved it up. Up to where, as Mr. Riley said, close to 200 ships a year have been calling, great big ships with great big smoke stacks, unloading great big trucks and vehicles and roll on and roll off and industrial activity. They're going to move it up there. Rather the almost 200 ships, you're going to have maybe 90 a year and no trains coming down. Every single thing that we asked the South Carolina State Ports Authority to consider, they did, including something they didn't want to do, and that is agree to limit the number of ships. We asked them to do that and they said, yes. What Mr. Newsome said, at the very beginning was, Mayor Riley, we cannot subject ourselves to the City legally seeking to regulate us because it's not legal, but also if we were to allow that, then our credibility in the shipping industry would be severely damaged. They are in major competition as was stated earlier and this is what will happen. If Charleston regulates the number of cruise ships, my colleagues, what prevents another City from regulating the number of container ships? There's not one piece of difference. The containers do not fly away when they're put on the dock. They get onto trucks and trucks go where, they go through cities. So, if the Ports Authority says, okay we'll let the City of Charleston pass the ordinance to regulate the number of cruise ships, they are sunk and all the jobs that the cruise, that the Port represents in our community begin to wane because Maersk is going to be approached by Savannah or Jacksonville and say look I know you've got a contract there with the Ports Authority, but you know they agreed to let the City limit this, and you entered into a contract for 20 years and how do you know that what ever city that's in or if it's Columbus Street. If we regulate the cruise, what is to keep the residents from the east side saying how many ships come into Columbus Street and if you've got 91, we think that's it. They cannot do it. That's not difficult to understand, that's a harsh insensitive thing the Ports Authority is doing, they can't possibly do that and we do not have the legal authority any more. We can zone buildings for educational use at the College of Charleston and the BAR can approve their design, but does anybody in this room thinks we have legal power to say what the size of the student body of the College of Charleston is? Not one piece of difference as someone telling us that we have the legal ability to determine how many ships the State of South Carolina Ports Authority can operate a year at a given terminal. Not one piece of difference. We don't have the legal authority to do it and they can't possibly allow it. Now Union Pier is not the compromise site, it's the best site. It's a fabulous site. First of all, if you've got cruise people coming to Charleston, then you want them to have the option to walk from where they are. Or to take a trolley, that already exists; the Port contributes \$50,000 a year.

Councilmember Gregorie is asking about the time. Is there a motion to allow me to continue?"

On a motion of Councilmember Alexander, seconded by Councilmember Riegel, City Council voted to allow the Mayor to continue. The vote was not unanimous. Councilmember Gregorie voted nay.

Mayor Riley said, "I just wanted to get that out of the way, I figured that might be coming.

So, Union Pier is not the last resort, it's the best because when the cruises come they can walk up to Liberty Square. They can walk up to take the boat ride to Fort Sumter. They can eventually walk out to see the International African American Museum. They can walk down to Market Street. They can walk down to the waterfront park. They get to explore our City and take the shuttle. It's the best for it. And Columbus Street is the state of the art roll on roll off infrastructure for the State of South Carolina. They are working to make that the best roll on roll off great bulk terminal in the Southeast, aren't they Mr. Riley. So, we want them to take that precious infrastructure and put the cruise terminal there, because of this stuff that's been going on. They can do it, I wouldn't want them to do it, it's against the best interest of the people of South Carolina and my goodness gracious it would cost them \$120 million to put a cruise terminal at Patriot's Point and that's not something Mt. Pleasant is asking for, but it's not feasible. They'd have to dredge. You've got to build a whole new piece of infrastructure.

Now, quickly, Carnival has not asked us to do one single thing. Carnival was asked by the State Ports Authority to operate a berth cruise ship from our City where we wanted cruise activity. The complaint about surface parking, to build a parking garage that would be ludicrous right now. We've got the southern part of Union Pier to redevelop. We digest development land at a moderate pace in our City. It's not a huge City, so in time when the southern part of Union Pier is redeveloped.

In conclusion, the most distasteful thing about this, is the class thing. That's the 'elephant in the room'. You know, like people who take the cruise ships for some reason aren't good enough. Let me tell you what, just for the community to know and the world to know, that's not Charleston. That's not a majority of the citizens of Charleston. It's just a small number of people in Charleston, it really is. This is a welcoming City.

Councilmember Gregorie was excused from the meeting at 8:18 p.m.

A few Sundays ago, after church, our family was at a family style restaurant and a very nice lady came up to me who was a retired school Principal. She'd been a Principal here and other parts of the State and she's now teaching at an institution of higher education in our State. She recognized me and she said, Mayor Riley, our family loves taking the cruise ships. It's such a wonderful thing to do. I know one of our fire fighters when he got married, took a cruise ship. Our last Fire Chief, Chief Classen, when he retired, you know what he did for his wife? They took a cruise from Charleston. It's a small piece of our tourism industry; 170,000 out of 4.4 million. We are a port City, have been forever, it's a natural and wonderful thing for us to do. So, why the ordinance. Because the Port can't legal bind themselves, they can't allow us to, we don't have the power to. If we passed, respectfully, the Historic Charleston Foundation's ordinance, they have to sue the City. They have to defend their ability to determine how they use their docks. We would lose that suit, but before that suit is heard, the legislature, a couple of local legislators have been, you know, very fine people, been talked to by some of the interested parties here, but overwhelming, the legislature is going to respond to the Port and say, please pass a law so that localities cannot regulated what we do on the waterside of dock. That would pass in a skinny minute. So it won't happen.

Then as Councilmember White said, you know what changed? What changed was the relationship we had. With the Ports Authority, we were partners, we worked together and the years to come will work together to help renovate a wonderful part of our City, we'll work together in the creation of this new terminal and with all the controversy, the City stood with them seeking the truth, being honest with them, so if in the years to come, why this ordinance was drafted, was if there is interest in more than 104, Jim Newsome doesn't think they'll ever be that demand and I really don't either, we're not the Caribbean or the Aegean, it's a niche of business, 80% of our cruise ship passengers come from North Carolina, South Carolina, Georgia and Virginia. Those States aren't growing exponentially. But if ever that happened, then we've got the ordinance, we've got a years worth of study, and I am as confident as I am standing here at the moment that if, at that time, the Ports Authority's partner, the City of Charleston, after a year's study, it would ever propose changes they are, the community says we think that that's too much. There's not one doubt in my mind that the Port Authority having heard from its partner, says we accept. That's the relationship we have now and that's the relationship that an antagonistic and wasteful effort would damage. So, I ask us to pass the ordinance. This might be of use 30 years from now and it might never be needed, but while it was fresh in our minds, we gave our fellow future office holders in the City, a road map to follow, what process to go about, about a controversy that probably by then, they will not even believe existed. I urge you to give the ordinance second reading."

Councilmember Alexander called the question.

Ms. Turner Maybank advised "There are two motions on the floor. We have the motion to defer."

Mayor Riley said, "We have a motion to defer."

On a motion of Councilmember Seekings, seconded by Councilmember Gallant, City Council voted in opposition to defer on a vote of 3-8. The motion was defeated, Councilmembers White, Lewis, Mitchell, Waring, Alexander, Riegel, Wilson and Mayor Riley voted nay.

Mayor Riley said, "Then we have the pending motion to give the ordinance second reading. Is there any further discussion?"

On the motion of Councilmember Mitchell, one bill (Item K-6 on the agenda) received second reading. The item passed second reading on motion of Councilmember Lewis and third reading on motion of Councilmember Lewis. On further motion of Councilmember White, the rules were suspended and the bill was immediately ratified as:

2011-136 AN ORDINANCE TO AMEND CHAPTER 29 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, BY ADDING A NEW ARTICLE IX, NEW SECTIONS 29-283 THROUGH 29-286 ESTABLISHING A PROCESS WHEREBY THE CITY OF CHARLESTON MAYOR AND CITY COUNCIL WILL ENGAGE THE COMMUNITY ONE (1) YEAR IN ADVANCE OF ANY PLANS TO MATERIALLY CHANGE THE OPERATIONS OF THE NEW CRUISE TERMINAL TO BE CONSTRUCTED AT THE NORTH END OF UNION PIER

The vote was not unanimous, Councilmembers Hallman, Gallant and Seekings voted nay.

Councilmember Lewis was excused at 8:25pm.

Mayor Riley said, "Quickly, my colleagues, we have some bills for first reading and there's one bill I'd like you all to consider adding for first reading."

Ms. Turner Maybank said, "It's actually two."

Mayor Riley said, "Two. What we've got, and I think, Councilmember Mitchell and Councilmember Lewis might know about, is an ordinance I'm going to ask you to give first reading to. There have been some discussions about creating a shooting gallery on Meeting Street, a shooting range.

Councilmember Mitchell interjected "It's inside".

Mayor Riley said, "I just think we need, our staff thinks we need some more ability to make sure we know where we want something like that to go." The Mayor recognized Councilmember Mitchell.

Councilmember Mitchell said, "I heard about it and that's part of the District that I and Councilman Gallant is representing, partially. I don't think it needs to be in the Peninsula City of Charleston. I don't believe something like that needs to be in the Peninsula City of Charleston. It's an indoor firing range. But the problem I having it in that area with a lot of shootings, I don't need something to be opening that up. I believe something like that can either be in the area, an industrial area like we did with the tattoo parlor, if you may. In an industrial area if you want to open something, they have one on Cross County Road, the same place I went to the shooting range, but it needs to be in an industrial area, but not in the Peninsula City. I don't believe that.

Councilmember Gallant said, "I agree with Councilmember Mitchell."

Mayor Riley said, "What I was .. This was at the last minute, but I just though it might be good, I spoke to Chief Mullen about this, and we could give these first reading and then wait to the next meeting to see how we want to change them. But we need to have a pending ordinance that would give us more capacity to make sure something doesn't happen in one of our neighborhoods that the neighbors really don't want."

Councilmember Lewis returned to the Chamber at 8:27 p.m.

Councilmember Gallant said, "I make a motion that we add them."

Councilmember Mitchell said, "I second the motion."

Mayor Riley said, "The motion is to add the two ordinances, and I thank our wonderful legal staff and Planning Department for quickly putting this together."

On a motion of Councilmember Gallant, seconded by Councilmember Mitchell, City Council voted to add two items to be known as items 3 and 4 for first reading as submitted.

Mayor Riley said, "We've got some bills up for first reading. The regular ones which is the one are to execute a franchise agreement and the abandonment of Turn outs on Seven Farms Road.

On a motion of Councilmember Mitchell seconded by Councilmember Gallant, Council voted to give first reading to the subject bills (Items L-1 and L-2 on the agenda): First reading was given to bills (L-1 and L-2) entitled:
AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON FRANCHISE AGREEMENTS WITH GEOFF DULANEY, CHARLESTON ICE, LLC AND COREY'S LLC FOR DESIGNATED SPACES WITHIN THE CITY OF CHARLESTON FROM WHICH FOOD OR DRINK OR READING MATERIAL SOLD IN CONJUNCTION WITH THE SALE OF FOOD OR DRINK MAY BE SOLD FROM STATIONARY CARTS OR OTHER STATIONARY DEVICES.

ABANDONMENT OF TURN OUTS NO.1 AND NO.2 OFF OF SEVEN FARMS DRIVE IN FRONT OF TRACK L, TMS # 275-00-00-181 AS SHOWN ON A PLAT ENTITLED "RIGHT OF WAY EXHIBIT SHOWING SEVEN FARMS DRIVE RIGHT-OF-WAY EXTENSION

Mayor Riley said, "Then we've got the new ordinances. One is a zoning ordinance and one is concerning discharging firearms. We've all had a chance to study this and I don't think we want to send the zoning ordinance to the Planning Commission yet, do we? What do you want to do?"

Councilmember White said, "We could send it to the Planning Commission for discussion and then come back."

Mayor Riley said, "Well, with the zoning ordinance, let's give it first reading, send it to the Planning Commission and then with the discharging fire arms ordinance, we could give that first reading and then have it for further review at the next meeting of Council."

Ms. Turner Maybank said, "Okay, so we're going to take them separately?"

Mayor Riley said, "Yes ma'am."

Ms. Turner Maybank said, "So number 3 will be the zoning one."

Councilmember White said, "I'm going to abstain from the vote and I just wanted to explain why. I don't normally abstain, generally speaking, but I don't have enough time to digest this and with all due respect. I recognize we sometimes have time constraints to deal with, but I'm just going to abstain without further information at this time."

Mayor Riley said, "I can understand, I apologize for that. I was just nervous, that if we didn't have enough regulations in place, something might get through that we would regret. So, it's just to make sure we have that. "

The Mayor recognized Councilmember Hallman."

Councilmember Hallman said, "Is there a pending permit for an indoor shooting range on Meeting Street that necessitates us voting on this tonight, versus deferring it and discussing it at the next meeting?"

Mr. Keane said, "We have the expectation that we could have one soon, so we really prefer to get an ordinance. We can go through the ordinance if you'd like tonight, to explain it to you, if that would be helpful, if we can get first reading tonight, then we can continue to discuss it before it gets final reading. We'll have public hearings and it will come back. But we'd like to have something pending in case we do get a permit. We could get one tomorrow."

Mayor Riley said, "If there's a pending zoning ordinance, and if someone were to apply, while the ordinance is pending; if what they seek is not allowed in the ordinance, the pending ordinance would keep that from happening until the pending ordinance was disposed of. So, that was the thought."

Councilmember Hallman said "Are there any outdoor shooting ranges currently in operation within the City of Charleston?"

Mayor Riley said, "I don't know. Do we know of any shooting ranges in the City?"

Chief Mullen said, "There is one outdoor range down off of Highway 61, it's the Rifle Club, and they are only allowed to shoot one time a year for a Turkey Shoot, and that was grandfathered in when that was approved."

Ms. Turner Maybank advised, "Mayor, someone needs to make a motion because you are discussing it, we need a motion."

Mayor Riley said, "Is there a motion to give the zoning ordinance first reading, just to get it in."

Councilmember Gallant made a motion to give agenda item L-3 (zoning ordinance) first reading, seconded by Councilmember Mitchell.

The Mayor recognized Councilmember Seekings.

Councilmember Seekings said, "Just a quick question if I may. I along with Councilmember White agree this is now in front of us, it's a zoning ordinance. Obviously, copyrights are involved. Mr. Keane, if we don't have a pending application, and one does come to the City and we then give this first reading, or are we too late? So, if you have something pending, before the application comes in, we can't do like we did with the annexations, have a special meeting if we need one?"

Mr. Keane answered, "That is correct. We would be too late then."

The Mayor recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you Mr. Mayor, my only question is in terms of a public hearing and this hasn't been published, for the public to make comment on. What is our status, vis-à-vis that?"

Ms. Turner Maybank answered. "It'll go to the Planning Commission and then we will advertise for the Public Hearing. That's the process."

Mayor Riley said, "So, there's a motion to give the zoning ordinance first reading, and then it would go to the Planning Commission for public hearing and later to City Council for public hearing and further consideration." The vote was called.

On a motion of Councilmember Gallant, seconded by Councilmember Mitchell, City Council voted to give the subject bill (Agenda Item L-3) first reading. Councilmember White abstained from the vote.

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE TABLE OF PERMITTED USES IN ARTICLE 2 LAND USE REGULATIONS TO INCLUDE INDOOR SHOOTING RANGE AND OUTDOOR SHOOTING RANGE USES IN THE TABLE OF PERMITTED USES, TO MAKE INDOOR SHOOTING RANGE USES A CONDITIONAL USE WITHIN THE LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONE DISTRICTS, TO ADD CONDITIONS FOR INDOOR SHOOTING RANGE USES IN SECTION 54-207, AND TO CLARIFY THAT OUTDOOR SHOOTING RANGE USES ARE PROHIBITED WITHIN THE CITY OF CHARLESTON PURSUANT TO SECTION 5-213 OF THE CODE OF THE CITY OF CHARLESTON.

Mayor Riley said, "Next is an ordinance concerning the discharge of firearms."

Councilmember Gallant made a motion to give item L-4 first reading.

Councilmember Mitchell seconded the motion.

Mayor Riley said, "This will be back before us at the next meeting of City Council" The vote was called.

On a motion of Councilmember Gallant, seconded by Councilmember Mitchell, City Council voted to give the subject bill (Agenda Item L-4) first reading. Councilmember White abstained from the vote.

AN ORDINANCE TO AMEND SECTION 21-213 OF THE CODE OF THE CITY OF CHARLESTON TO DELETE SUBSECTIONS (1), (2), (3) AND (4) AS EXCEPTIONS TO SECTION 21-213 THAT GENERALLY PROVIDES THAT NO PERSON, EXCEPT IN CASES OF URGENT NECESSITY, SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY FIREARM IN THE CITY, THEREBY ELIMINATING THE FOLLOWING EXCEPTIONS TO THE PROHIBITING OF THE DISCHARGING OF FIREARMS IN A SHOOTING GALLERY; (2) PURSUANT TO THE WRITTEN PERMISSION OF THE MAYOR OR PUBLIC SAFETY DIRECTOR; (3) TO THEATRICAL OR LIKE PERFORMANCES; AND (4) TO MILITARY OR SIMILAR DISPLAYS AND TO FURTHER AMEND SECTION 21-213 TO PROVIDE AN EXCEPTION FOR DISCHARGING FIREARMS IN AN INDOOR SHOOTING RANGE IN ACCORDANCE WITH LAW ON LANDS WITHIN THE CITY THAT ARE ZONED TO PERMIT SUCH USE.

Mayor Riley said, "The next regular meeting of Council is September the 27th. The Audit Committee meeting is 4 o'clock that day." The Mayor recognized Councilmember Seekings.

Councilmember Seekings said, "I just want to make it clear, Mayor Riley, you heard earlier, Mr. Bedard saying he wasn't sure, because he hadn't gotten with me because I've been away, but we are going to have the Audit Committee meeting on that day, so, that's confirmed."

Mayor Riley said, "Thank you very much. If there is no further business, the meeting is adjourned."

The meeting was adjourned at 8:34pm.

Vanessa Turner Maybank
Clerk of Council